

COUNCIL MEETING

DECEMBER 19, 2012

The Council Meeting of the Council of the County of Kaua'i was called to order by the Council Chair Jay Furfaro at the Council Chambers, 4396 Rice Street, Room 201, Līhu'e, Kaua'i, on Wednesday, December 19, 2012 at 9:52 a.m., after which the following members answered the call of the roll:

Honorable Tim Bynum
Honorable Gary L. Hooser
Honorable Ross Kagawa
Honorable Nadine K. Nakamura
Honorable Mel Rapozo
Honorable JoAnn A. Yukimura (present at 9:53 a.m.)
Honorable Jay Furfaro (excused at 2:45 p.m.)

APPROVAL OF AGENDA.

Mr. Bynum moved for approval of the agenda as circulated, seconded by Mr. Hooser, and unanimously carried.

MINUTES of the following meetings of the Council:

October 24, 2012 Council Meeting
November 14, 2012 Council Meeting
November 20, 2012 Council-Elect Organizational Meeting
November 28, 2012 Public Hearing re: Bill No. 2454, Bill No. 2455, Bill No. 2456, and Bill No. 2457
December 3, 2012 Inaugural Meeting

Mr. Rapozo moved to approve the Minutes as circulated, seconded by Mr. Kagawa, and unanimously carried.

CONSENT CALENDAR:

C 2013-03 Communication (10/30/2012) from the Chief, Engineering Division, Department of Public Works, transmitting for Council approval, a Resolution repealing Resolution No. 54-91, Section IV, Item 80 and Section V, Item I and reestablishing a new speed limit of twenty miles per hour (20 MPH) along the entire length of Pu'u Ka'a Street and a portion of Ani Street, Kawaihau District, as requested by Mr. Pia Montgomery, with concurrence from the Engineering Division, Department of Public Works: Mr. Rapozo moved to receive C 2013-03 for the record, seconded by Mr. Kagawa, and unanimously carried.

C 2013-04 Communication (11/07/2012) from the Chief, Engineering Division, Department of Public Works, transmitting for Council approval, a Resolution establishing a fifteen miles per hour (15 MPH) speed limit restriction along Lauhoa Place, Meli Place, Kei Place and portions of Ani Street within the Pu'u Ka'a Subdivision, Kawaihau District, based on an engineering study and traffic investigation by the Engineering Division, Department of Public Works: Mr. Rapozo moved to receive C 2013-04 for the record, seconded by Mr. Kagawa, and unanimously carried.

C 2013-05 Communication (11/15/2012) from the Chief, Engineering Division, Department of Public Works, transmitting for Council approval, a Resolution repealing Item 23, Section XIII, of Resolution No. 54-91 and establishing a new maximum speed limit of fifteen miles per hour (15 MPH) and twenty-five miles per hour (25 MPH) along portions of Lāwaʻi Road, Kōloa District, as requested by former Councilmember Dickie Chang, with concurrence from the Engineering Division, Department of Public Works: Mr. Rapozo moved to receive C 2013-05 for the record, seconded by Mr. Kagawa, and unanimously carried.

C 2013-06 Communication (11/15/2012) from the Chief, Engineering Division, Department of Public Works, transmitting for Council approval, a Resolution establishing a "No-Parking At Any Time" Restriction along a portion of Poʻipū Road in the vicinity of the Kiahuna Plantation Resort, Marriott's Waiohai Beach Club, and Koʻa Kea Hotel driveway entrance along Poʻipū Road, Kōloa District, as requested by Mr. Chris Gampon, General Manager, Outrigger Kiahuna Plantation Resort, with concurrence from the Engineering Division, Department of Public Works: Mr. Rapozo moved to receive C 2013-06 for the record, seconded by Mr. Kagawa, and unanimously carried.

C 2013-07 Communication (11/19/2012) from the County Engineer, transmitting for Council approval, a Proposed Draft Bill for an Ordinance to comply with the provisions to amend Chapter 12 of the Kauaʻi County Code 1987 as amended, entitled "Building Code" Act 114 which encourages and supports diversified agriculture and agricultural self-sufficiency in the State by providing an exemption to building permit requirements for non-residential buildings or structures at commercial farms and ranches located outside the Urban District under certain conditions: Mr. Rapozo moved to receive C 2013-07 for the record, seconded by Mr. Kagawa, and unanimously carried.

C 2013-08 Communication (11/21/2012) from the Mayor, transmitting for Council consideration, Mayoral appointee Sherman Tsuyoshi Shiraishi to the Board of Water Supply of the County of Kauaʻi –Term ending 12/13/2015: Mr. Rapozo moved to receive C 2013-08 for the record, seconded by Mr. Kagawa, and unanimously carried.

C 2013-09 Communication (11/28/2012) from the County Engineer, transmitting for Council approval, a Resolution establishing crosswalks at the mid-block crossing on Umi Street approximately 280 feet north of the Umi Street and Rice Street intersection, and the west side of the Historic County Building driveway and Umi Street intersection, Līhuʻe District: Mr. Rapozo moved to receive C 2013-09 for the record, seconded by Mr. Kagawa, and unanimously carried.

C 2013-10 Communication (11/28/2012) from the Planning Director, transmitting for Council consideration, the Planning Department's Planning Enforcement Account (Draft Bill No. 2439) Zoning Amendment ZA-2013-1, Relating To The County of Kauaʻi Planning Department Civil Fines: Mr. Rapozo moved to receive C 2013-10 for the record, seconded by Mr. Kagawa, and unanimously carried.

C 2013-11 Communication (11/30/2012) from the Planning Director, transmitting for Council consideration, the Planning Commission's recommended amendments to the Shoreline Setback Ordinance (Chapter 8, Article 27 of the Kauaʻi County Code 1987, as amended): Mr. Rapozo moved to receive C 2013-11 for the record, seconded by Mr. Kagawa, and unanimously carried.

C 2013-12 Communication (12/11/2012) from Council Vice Chair Nakamura, transmitting for Council approval, a Resolution amending Resolution No. 2013-03, Relating to the Appointment of the Chairpersons, Vice Chairpersons, and Members of the Several Standing Committees of the Council of the County of Kaua'i: Mr. Rapozo moved to receive C 2013-12 for the record, seconded by Mr. Kagawa, and unanimously carried.

COMMUNICATIONS:

C 2013-13 Communication (11/13/2012) from the Chief of Police, requesting Council approval to accept and expend a 2009 Edward Byrne Memorial Justice Assistance Grant in the amount of \$25,000.00 to be used to enhance the interface between the Juvenile Justice Information System (JJIS) and the new Visionair Record Management System (RMS), and to indemnify the State of Hawai'i, Department of the Attorney General: Mr. Rapozo moved to approve C 2013-13, seconded by Ms. Yukimura, and unanimously carried.

C 2013-14 Communication (11/16/2012) from the Salary Commission, transmitting pursuant to Section No. 29.03, Kaua'i County Charter, Resolution No. 2012-3, Resolution Amending Resolution 2012-1, Relating to the Salaries of Certain Officers and Employees of The County Of Kaua'i, adopted by the Salary Commission on November 16, 2012: Ms. Yukimura moved to approve C 2013-14, seconded by Mr. Kagawa.

Chair Furfaro: I am really sorry. It is the Salary Commission's Resolution so it is a move to receive. Now is there discussion from members?

Ms. Yukimura moved to receive C 2013-14 for the record, seconded by Mr. Kagawa.

Chair Furfaro: Discussion? Mr. Bynum, you had your hand up.

Mr. Bynum: I would like someone to give us a statement of what is the impact of receiving this. I know if we receive, the recommendations go into effect, right?

Chair Furfaro: Do we have anybody here from the Salary Commissions, from Boards and Commissions? They were here earlier? Anyone speaking on this item? If not, I will move to the next item and recognize – unless Peter are you giving us an overview? I do not think so. So we will ask to get someone over from Human Resources or Boards and Commissions and we will move to the next item.

C 2013-15 Communication (11/23/2012) from Council Chair Furfaro, requesting the presence of the Chief of Police to provide a presentation on the status of the Kaua'i Police Department's recruitment efforts: Mr. Rapozo moved to receive C 2013-15 for the record, seconded by Ms. Nakamura.

Mr. Rapozo: Mr. Chair?

Chair Furfaro: He was here, was he not?

Mr. Rapozo: Well he was here for the grant. He was not here – I am not sure if anyone was informed or did we request their presence? They are here, okay.

Chair Furfaro: Yes, it says that this was requested by myself. The correspondence went over. But it was not the same Lieutenant that is giving us the update. So it is somebody else? Okay, so let us just move on.

C 2013-16 Communication (11/23/2012) from the Environmental Services Management Engineer, Department of Public Works, requesting Council support and appropriate action to preserve the State's annual allocation of Deposit Beverage Container (DBC) funding to the County of Kaua'i: Mr. Rapozo moved to receive C 2013-16 for the record, seconded by Ms. Nakamura.

Chair Furfaro: This is another one (1). Allison Fraley is supposed to be here. Why do we not take another recess and put some calls out. I want to say it again, so everyone that is in their Offices remember, Wednesday is not an RSVP day.

There being no objections, the Council recessed at 9:59 a.m.

There being no objections, the meeting was called back to order at 10:05 a.m., and proceeded as follows:

Chair Furfaro: I am going to go back to the original sequence of the piece we have. As we do have member from the Kaua'i Police Department here to chat with us and make a presentation on the hiring overview as this communication was read earlier and sent over from myself. We had a motion and second and I will suspend the rules and ask – sir, whoever is going to make the presentation. We are ready for you. You can put multiple people up. We have two (2) additional chairs and one (1) additional mic. First of all, congratulations to you folks. We are planning to have two (2) recruitment classes in a year, which is outstanding effort on your part. But I will give you the time now to make a presentation as it relates to my query of an update.

There being no objections, the rules were suspended.

SHERWIN KALEO PEREZ, Police Captain: Good morning Council Chair and Councilmembers. Thank you very much for giving us the opportunity to be here to talk about our recruitment and hiring practice for the Kaua'i Police Department. With me today – first of all, I am the acting Assistant Chief of the Administrative and Technical Bureau, Sherwin Kaleo Perez. With me is Lieutenant Robert Gausephol, who leads up the Research and Development section and also Sergeant Darla Abbatiello, also of the Research and Development section. These two (2) individuals are responsible for the progress that we have made with our hiring over the past year. Again, Mr. Chair, you mentioned earlier that we are hiring two (2) classes of recruits this year. The second class to start on New Year's Eve, December 31st. This is our Kaua'i Police Department hiring process overview. In the past, it took up to two and a half (2½) to three (3) years to fully process an applicant from the time of the written test to the time of hire. With recent modifications, that time has been cut to six (6) to eight (8) months. One (1) of the main reasons the processing time has been cut so drastically is the current excellent background investigators that our Department is using. There are three (3) phases in our recruitment and hiring process. The first phase: is Recruitment, Phase Two:

Pre-Offer Testing and Background Investigation, and Phase Three: Conditional Job Offer / Post Offer Testing. Phase One (1), Recruitment. In the recruitment phase, notice of vacancies is posted. PSO or Police Services Officer positions are recruited on a continuous basis due to the ongoing need for Police Officers. Applicants apply online and applications are reviewed for minimum qualifications. Applicants who meet the minimum qualifications are invited to the written examination. The written exam is administered and graded. The applicants are told if they passed or failed on that very same day. This is a new process that we are starting. Phase Two (2), which is the Pre-Offer Testing Backgrounds phase. The Physical readiness Standard Test or also known as PRST, validated study requires an applicant be given minimum notification of eight (8) weeks to prepare for the test. The notification is now given online at the time of the application stage. Applications are not accepted eight (8) weeks or less before the written test, ensuring the notification period of eight (8) weeks. The PRST handbook which is an instructional video and the personal history packets are available online for applicants to review and complete. There is a video on our website of the PRST. It is actually a nine (9) minute video. Shall we go through the entire video? We can go through it just partially. Just to give you an idea of the event. The first is the Illinois Agility Run. Watch this demonstration.

INSTRUCTIONAL VIDEO: Stand up and sprint for the forward line, place one (1) foot over the line and sprint back to the starting line. Make a left turn at the first cone, then zigzag in a figure eight (8) fashion around the four (4) cones and zigzag back to the start line. Turn left around the first cone and sprint to the forward line and back one (1) more time. The clocks stops when any part of your body crosses the finish line. If you knock over a cone, miss a turn or fail to cross the line when turning, the instructors will stop you and return you to the end of the line to restart. Your score is the time it takes you to complete to run and will be recorded to the tenth of a second. You have three (3) tries for this event. Here is the full course demonstration. (inaudible)...completed in 19.8 seconds or less. For perspective it took approximately twenty-two (22) seconds to complete the course of this demonstration.

Mr. Perez: So that is a brief part of the video. That is just one (1) of the events. The other events include the bench press, pushups, sit ups, three hundred (300) meter run and 1.5 mile run. Moving on. The date after the written test is when the PRST is administered. Applicants who fail the written test or do not show up for the PRST are discontinued from the process. Those who pass the PRST are given the pre offer psychological testing that same day. Personal history packets intake meetings are conducted for all filing applicants and some local applicants also that same day. The remaining local applicants are given an appointment for PHP intake meeting. A thorough background investigation is conducted and the remaining applicants. The background investigation consists of an autobiography, references which is personal, family, any KPD members and other references. This is given by our written questionnaires and interviews. Also part of the background investigation is educational history, employment record, military history, residences, applications with other law enforcement agencies, any criminal, civil or drug financial proceedings and traffic motor vehicle operations. Highlights of this phase, Phase Two (2), includes that the PRST notification is given online that saves eight (8) to ten (10) weeks. The written test – PRST, and pre-employment psychological tests are given in a two (2) day period, saving at least ten (10) weeks. PHP intake meetings are completed for all off island applicants and as many local applicants are possible the same day as the PRST. Off island applicants are saved an additional trip to Kaua'i. Highlights again, of Phase Two (2), include

that the background investigation systems have been modified to place more of the workload on the applicant. This results in significant time savings and more accurate and comprehensive background investigation. Perhaps the biggest difference to the process was the fact that we have utilized five (5) excellent background investigators to expedite background investigations which are the most time consuming part of the hiring process. Moving on to Phase Three (3), which is the conditional job offer and post offer testing. Conditional job offers are extended to successful applicants. Then the post offer psychological tests are administered. This is a written test. Polygraph examinations are given and a report is generated. Applicants are advised to begin scheduling their physical examinations and in person psychological interviews are conducted by the psychologist and a report is provided. The Chief of Police makes the final selections. The final candidates complete their pre-employment physical examination which is reviewed by the Department of Personnel Services. Successful applicants are offered probationary employment as Police Services Officers. Drug screening is done at any point during the hiring and selection process at the discretion of the Research and Development Lieutenant. A Professional Services Contract was secured for a nationally recognized psychologist. Applicants are advised to schedule their pre employment physicals well in advance. If they are unsuccessful in going through the process then they can cancel their appointment. This is just some numbers of the past recruitment classes. A little history for you. The 79th recruiting class, the list referred to us from DPS on August 2007. There were thirty-nine (39) names referred. The hire date was March 2008. Eight (8) people were hired from that list, with a ratio of twenty-one percent (21%), eight (8) out of thirty-nine (39). The 80th recruit class referred list came to us May 2008. There were forty-three (43) names referred. That hiring was done on February 2009, of which thirteen (13) were hired for a percentage of thirty percent (30%), thirteen (13) out of (43). 81st recruit class list referred to us February 2009. There were seventy-nine (79) names. They were hired April 2010, total of nine (9) people hired, eleven percent (11%). The 82nd recruit class referred list was December 2010, fifty-seven (57) names referred, hire date was May 2012. There were ten (10) officers hired for a percentage of seventeen and a half (17.5%). Finally on the 83rd recruit class, the list was referred to us on February 2012. There were one hundred sixteen (116) names referred. We are on target to begin that class at the end of this month, December 31st. This is the biggest class from what I am told that KPD ever had. There are eighteen (18) of them that were hired from this class. Mahalo. It should be noted that many of these improvements would not have been possible without the diligence and cooperation of the County of Kaua'I – Department of Personnel Services. They have really supported us and given us full cooperation.

Chair Furfaro: Thank you very much. Thank you very much. First of all, my compliments to the compressed schedule in coordinating and still achieving the requirements in criteria. But in this compressed time, I think it has made a very big difference in our ability to move two (2) classes through in a year. You are to be complimented. I want to personally thank you. I know this has been a long process for you folks. Through the communication that I sent over, I felt it was very important for you folks to share with the Council what you have done so far. May I ask, has there been any issues that have caused any detours in what you have laid out here? Physicals, the payment of physicals? Anything of that nature? Anyone can answer me on that.

ROBERT GAUSEPOHL, Police Lieutenant: I think we have been really blessed with this process. It is gone extremely well. We have a great team together right now, and I do not think that anything was presented that we could

not overcome. We are trying to streamline it even better now. We are going to continue to get better. We brought along – this is an actual background investigation. As you can see, it is a lot of work. This is not typical, but this is one (1) that we just had, one (1) of the eighteen (18).

Chair Furfaro: I think the fact that you now have five (5) individuals doing the background checks and so forth has really hoped to expedite that.

Mr. Gausepohl: Yes, sir.

Chair Furfaro: Is there anything that stands out that you might need the Council's support on?

Mr. Perez: Well, I think that might be for another meeting.

Chair Furfaro: Okay. It is Christmas.

Mr. Gausepohl: Yes there is actually. But I think we will do that at a another time.

Chair Furfaro: I just wanted to get an overview of the improvements you have made in timing, selection, interviewers. Let me ask, I do not know if we made a change yet. Those individual as they go to take the physical, is it still their cost?

Mr. Perez: Yes, it is.

Chair Furfaro: Okay. That is something I think we should be looking at in the next budget round. It could be a very expensive process, especially for somebody wanting to be a candidate and it is a few hundred dollar investment on our part that could make a difference.

Mr. Gausepohl: We are trying to get the stress test eliminated. The stress test portion is a fairly expensive part that the applicant now has to pay for. It was implemented because we did not have a physical agility at the time and now we have a validated PRST. So we are trying to eliminate that to lighten the burden.

Chair Furfaro: Well, I am going to go around to see if there are any questions. Again, I just wanted to get an overview of the improvements that you made. You are all to be complimented. But please keep in touch with us on any needs you might have. Members, questions?

Mr. Kagawa: Well, I would like to thank you, Rob, Darla, Kaleo, great work. Good to hear positive news coming out of the County. Cutting the time down from two and a half (2½) to three (3) years, to six (6) to eight (8) months is what we have been looking for a long time. When I was working as staff and Mayor Yukimura was in Office, we used to ask the Police all the time, why does it take so long to fill those positions? I think you guys have made great progress. Thank you very much for that. I guess I have one (1) question as far as well – another thing that I wanted to note also is that it seems like we have had a big jump in the number of applicants. It went up by sixty (60), about sixty (60) over the

prior year. So I guess it allows us to even be a little more choosy, because your ratio back in that year was thirty percent (30%) and went down to fifteen percent (15%). So we can be that more choosy in making sure that we select solid individuals to join the police force. I hope that number can grow. Like the Chair, I think I would support us trying to eliminate the amount it costs for them to pay for physicals and what not, because I remember taking the Fire test a few years ago and I did not have to pay a dollar for anything. I think it is a good way and maybe that is why fire has so many applicants. I do not think that is the reason. I just think that Police is a tough job and that is the main reason. But I guess, the question that I had was, what is our average retirement...people that retire from the force every year?

Mr. Perez: Well, Police Officers can retire at twenty-five (25) years of service. Some have taken that option of going out at twenty-five (25) years and some have stayed longer. I do not know what the average is. I do not know if there is a whole lot of officers who stay the maximum. There have been.

Mr. Kagwa: So is that two (2) classes of eighteen (18) people, is that filling – is that a lot more than what we probably retired?

Mr. Gausepohl: Yes. Oh, yes. We had two (2) retirees this year.

Mr. Kagawa: Only two (2) this year?

Mr. Gausepohl: Maybe three (3). Those two (2) in the Captain position are the only sworn vacancies that we have now. Just to give you some perspective. We can be very, very selective now because there is not going to be very many positions. Which we need actually more positions. But that is another meeting as well.

Mr. Kagawa: Thank you very much. You answered my questions and mahalo for all you folks do.

Mr. Rapozo: I think what Ross was asking the average number of officers what retire each year?

Mr. Perez: Like Rob mentioned...

Mr. Rapozo: This year was low. But typically, what is it? Six (6) or eight (8) or ten (10)? The last few years we have had...

Mr. Gausepohl: It really varies on the size of the academy class twenty-five (25) years before, how many are eligible.

Mr. Rapozo: But is six (6) a good number?

Mr. Perez: I was going to say four (4) to six (6).

Mr. Gausepohl: That sounds good.

Mr. Rapozo: Just for the Chair's information, I have been in communication with the Captain, as well as the Chief. We were supposed to meet last week – was it last week?

Mr. Perez: Earlier this week.

Mr. Rapozo: And then they had the unfortunate incident in Kalalau. So that meeting was canceled. But there will be some discussions that I will have with you, Mr. Chair regarding proposed – well I would call them enhancements in the process. I tend to agree with Captain's and Chief's proposals so we will be definitely be hearing that soon. The other question is, how many people do we lose at the PRST portion?

Mr. Gausepohl: Actually it has not been very many. It seems like after the video was made by Ho'ike and Sergeant Greene, it is really a good video. It seems like it went down from there. I think we lost two (2) or three (3) last time.

Mr. Rapozo: So, a very, very small number.

Mr. Gausepohl: They are preparing...

Mr. Rapozo: And they have eight (8) weeks, a minimum of eight (8) weeks.

Mr. Gausepohl: Yes, they have more than eight (8) weeks, yes.

Chair Furfaro: Mr. Rapozo is Chair of our Public Safety Committee so continue to work closely with him.

Mr. Bynum: Thank you very much for the presentation today. A couple questions regarding the ratio. That is that number of people that are offered the probationary employment or the number that are offered conditional?

Mr. Perez: Of the list that is referred to us, the names on the list, the ratio – those hired versus the number on that list.

Mr. Bynum: So beyond the probationary period?

Mr. Perez: At the onset, correct. At the probationary period.

Mr. Bynum: Because people can kind of drop out, or not go to different phases. So these are the ones that are actually sworn in?

Mr. Perez: Yes.

Mr. Bynum: Then we all want to get the Police Department fully staffed. I have been involved in the County ten (10) years and we have never really obtained that. I do not believe there is any obstacle from the Council about expanding beats and if we can recruit the officers. So I was a little surprised that you had said there are only three (3) openings right now?

Mr. Gausepohl: Yes, sir. Two (2) retirees and a Captain position that was vacated by Deputy Chief Contrades.

Mr. Bynum: So in the past we have heard there were twenty (20) or twenty-two (22) vacancies. There is only three (3) right now?

Mr. Gausepohl: Yes, sir.

Chair Furfaro: Excuse me. I have to intercede. We are getting a Personnel report that says you have twenty-two (22) vacancies.

Mr. Perez: Right.

Mr. Gausepohl: That is my understanding.

Chair Furfaro: But you are saying, the way that you are describing it, in the year, for the year, you have three (3) people departing?

Mr. Perez: Yes. Come December 31st

Mr. Gausepohl: We are going to hire eighteen (18).

Chair Furfaro: In the year for the year.

Mr. Perez: Then we will have three (3) vacancies come December 31st.

Mr. Bynum: When these eighteen (18) – because eighteen (18) are going to be hired?

Mr. Perez: Right.

Mr. Bynum: So the twenty (20), eighteen (18) are getting filled.

Chair Furfaro: The three (3) plus the eighteen (18).

Mr. Bynum: So in the subsequent class we will be looking at expanding the number of police Officers?

Mr. Perez: Correct.

Mr. Bynum: For the first time in how long?

Mr. Gausepohl: That is our hope, since 1989. We actually have applicants that were born after the last beat was established on Kaua'i.

Mr. Bynum: So we would anticipate this year expanding beats?

Mr. Perez: We are very hopeful of that.

Mr. Bynum: That is wonderful.

Ms. Yukimura: It is really a breakthrough is it not, because year after year you have come before us saying that we have these twenty (20) plus vacancies and we do not know how we are going to fill them. Now you are pretty

much filling all of them. You have such a streamlined process. I can see that have you gone through every step and figured out how to do each step better or parallel with other steps. That is really remarkable work and I want to acknowledge and thank you. Question is, how much does it cost for someone to apply for a PSO position?

Mr. Perez:

There is no cost.

Ms. Yukimura: I mean in terms of the tests and all of that. If someone is choosing to apply, what kind of costs do they incur in the process of applying?

Mr. Gausepohl: It would only be the physical at the very end. Everything else, there is no cost. Other than perhaps they might have to travel here.

Ms. Yukimura: For those coming from off island. So how much is the physical?

Mr. Gausepohl: It varies. I have heard up to \$800.00. On a side note I know it is not my place, but I know that DPS is looking at a contract. We used to have a contract with (inaudible) I believe and that cost was covered by the County at that time. So I am pretty sure that they are working on doing that again and that would eliminate that and standardized medical testing.

Ms. Yukimura: So when you have all of your positions – so it is \$800.00 at the peak. But varies with the different applicants and what services they access?

Mr. Gausepohl: It depends on their medical and if it is covered or not.

Ms. Yukimura: Okay. There is the possibility of the County contracting with somebody to hopefully do it at a lower per applicant test.

Mr. Gausepohl: We are hopeful. I know they are working hard on it.

Ms. Yukimura: And so what is the plan for the future? I mean, there is this issue of additional beats and that will be discussed this year. But if there are no beats, do you still recruit?

Mr. Gausepohl: We still have positions and again, that – I know Mr. Rapozo knows about some of the plans for the future. We do have positions open. We hope that we have more soon and then the additional beats some day, hopefully. Just to update you on our application process, we are processing now sixteen (16) applicants from a prior test this year. And in January, we are anticipating over two hundred and forty (240) applicants taking or they have applied for the written test. That number is going to be dwindled down quite a bit. We anticipate that some will not take the test, some will not pass test. The next day we are going to be doing the PRST so we might lose a few more on that. We are hoping to give the pre psych test that same day as well.

Ms. Yukimura: What do you – why do you think the applications have risen so much? Is that you folks are doing better PR?

Mr. Gausepohl: I hope so. But I also think that the economy has something to do with it. There is quite a few places that are laying Police Officers off on the mainland. There are other places on the mainland where they require the applicant to already be certified – post certified, which we do not. So it is actually a great deal for many applicants to apply here.

Mr. Perez: I would like to add that yes, the economy is not that great and people are looking for jobs. But I think there is a heightened interest in police work now also. I just may add that you asked about what is our future goal and you talked about additional Police Officers and that is our goal to get additional Police Officers. It has been the goal of this Administration to expand our beat structure, add more officers on the streets, and so that is going to be coming forward as we go into the new year. We will be working towards adding more Officers. So you will hear from us further.

Ms. Yukimura: I expect to. This heightened interest in Police work is it on Kaua'i you are talking about or nationally?

Mr. Perez: I think it is Statewide. Again, this last application, test that is coming up is a lot more applicants and I am hearing Statewide it is a lot more applicants. So in talking to some of the hires that we have had, they have really looked forward to becoming Police Officers. Not only that, what I have seen, even in this next class coming up, the ages of the applicant varies. We have some young in the twenties and some in their thirties and even in their forties. There is a variety of careers that these folks are coming from, you know? Including construction. So where jobs have really dwindled in different industries, they are moving towards Government and Police. We are an example of that.

Ms. Yukimura: So you have a richness of background and maturity and you can, because of the number of applicants, you do have the blessing of being able to really pick the best.

Mr. Perez: Yes, we think so.

Mr. Gausepohl: We have some affirmation from our psychologists who deal with about two hundred (200) Police Agencies, and he said this group of applicants coming onboard is an excellent group, not just on Kaua'i, which he has been working with us for a while. But nationally, anywhere he deals with, which was a good validation for our unit and the Chief's Office because they screen everything and make their selection.

Ms. Yukimura: Well that is good news. Thank you very much for your excellent work.

Chair Furfaro: Before I turn it over to Mr. Hooser, please share with the Chief. He gave us a preview maybe a year and a half ago of what beats were planned to be expanded. So maybe that could be something at budget time. I know that he has been working closely with Mr. Rapozo but it might be something that we would like to hear more about at budget time.

Mr. Hooser: I just have two (2) questions. One (1) dealt with the presentation. I noticed that drug screening is done at any point during the hiring process at the discretion of R&D Lieutenant. So is it that one (1) person that decides who gets tested and does not get tested? How do you assure consistency, uniformity through the process and does everyone get tested at some point, maybe you could speak to that general issue.

Mr. Gausepohl: Sure. We do not want anybody to cheat on the drug test. So we can give it at any point at any time to anybody. The purpose of that is so that if you have warning, you can prepare for it and we want to try to eliminate that so at any point we give the test.

Mr. Hooser: But are they tested? I am is everyone...

Mr. Gausepohl: Yes, everybody that we hire is definitely drug tested.

Mr. Hooser: And other question since – which is great news that the ongoing gap in filling positions seems to be eliminated and you can be more selective. Are you having a conversation as you get more selective about gender balance or other areas in the force where the community may be underrepresented? I know some communities have recent immigrant populations and different issues like that. Do you have those strategies maybe to target?

Mr. Gausepohl: Yes, we do. Actually our Community Relations Sergeant, Rod Greene. We are trying to develop a commercial or something to try to attract more female applicants, qualified female applicants. We actually had quite a few female applicants in this last go around. We cannot show any favoritism to any applicant. So they are going to have to go through the process like anybody else and hopefully we get more female applicants. But yes, we have discussed it and we are looking at how to try to balance it a little bit better.

Ms. Nakamura: It is great to see the progress that has been made, and there was some concern expressed during the budget process with the creation of new Human Resources Department and pulling your personnel person out. How has that worked? Is it working out all right?

Mr. Perez: Well we have been fortunate to be able to utilize vacant positions within the Department to keep our Personnel Assistant, our Clerk, our R&D Clerk employed on a temporary basis where she is able to still help us with our process. She has been very instrumental. We lost her to outside employment. But again, we were able to keep her on a temporary basis. But Lieutenant Gausepohl and Sergeant Abbatiello have been able to carry the ball and really move our process forward because they were involved along with that Clerk of ours in making this process work and fixing it where it needs to be fixed. So they have really come a long way, our unit.

Ms. Nakamura: Is that a long term solution or a temporary solution?

Mr. Gausepohl: If I could. I think it is a temporary solution. All of us have had to put in a lot of overtime to try to make up for that Clerk position not being there. We are not going to fail in our mission. But at the same time, it would be, I think, fiscally responsible for us to have a Clerk in that position.

Ms. Nakamura: Well, I think if it shows that having that position helps the process move forward, then we need to have that conversation and I am hoping that it will come up. For me, if that one (1) person will help move it along, we need to. Also, what happened in 2011? No one was hired in 2011? And so the way I look at it, is 2012 you made up for two (2) years worth of recruiting. Is that right?

Mr. Gausepohl: Basically. I think, I cannot speak to what happened in 2011. But I know that the reason why we had one hundred sixteen (116) names referred was because that was from not just one (1) list, but prior accumulations. We had a super list. So we were able to get – that is why we were able to get so many highly qualified candidates in this group because we had a larger pool.

Ms. Nakamura: And the other question that I had is of the new hires for this year, are they all on island? What is the percentage of on versus off island recruits?

Mr. Gausepohl: That is a good question. We have two (2) candidates from the mainland, both are Police Officers, highly qualified. We are fortunate, I think, to get these people and then we have two (2) or three (3) from O'ahu.

DARLA ABBATIELLO, Police Sergeant: Three (3) from O'ahu.

Mr. Gausepohl: Three (3) from O'ahu and everybody else is from Kaua'i.

Mr. Bynum: Just a quick curious question. Of the eighteen (18) new hires, how many are women?

Mr. Perez: None.

Ms. Yukimura: If your one hundred sixteen (116) included several lists, this two hundred forty (240) that is in the upcoming test group or applicant group, that is not from past lists?

Mr. Gausepohl: No. I am sorry. I should have explained that better. That is the referred list after the written test. DPS will have their list of qualified people. The two hundred forty (240) is just the initial applicants.

Ms. Yukimura: The one hundred sixteen (116) is a different kind of list?

Mr. Gausepohl: Yes. The list that DPS has referred to us. All of these people have already passed the written and met the minimum qualifications etc..

Ms. Yukimura: I see. So the list of two hundred forty (240) is likely to drop as you did say.

Mr. Gausepohl: I hope so.

Mr. Perez: Yes.

Mr. Gausepohl: That is too many people.

Mr. Rapozo: Rob, I just wanted to clarify on the drug testing although you are the R&D Lieutenant, you have a random selection process though right? It is not that you decide who gets tested?

Mr. Gausepohl: Oh, no.

Mr. Rapozo: It is based on a drug testing policy that is randomly selected. The idea is that they are informed immediately and you go take your test now. Is that what I assuming is happening?

Mr. Gausepohl: Right.

Mr. Rapozo: Because it sounded like you may have had the authority.

Mr. Gausepohl: I am sorry about that.

Mr. Rapozo: I got a little concerned because millions of people watch this show and I just want to make sure that the people understand it is a random process. The other thing is that a know a lot has been talked about the increase in interest, but a lot has happened. I know Rod Greene, Sergeant Greene is a great PR guy. I have been on several functions with him and he is an excellent recruiter. Rob, I think the process and maybe it was Captain Perez or maybe Deputy Chief or Chief who told me that Rob, you have made a lot of changes in the system, in the process and they credited you for that. So I think that has a lot to do with that. If you have to wait a year and a half, two (2) years for a job offer, you are going to look somewhere else and end up working somewhere else.

Mr. Gausepohl: If I could interrupt you; Sergeant Abbatiello had a lot to do with it and the whole team.

Mr. Rapozo: And that is fine. Congratulations and thank you to all of you. Then another thing is that Citizens Academy that was recently brought on board. I have spoken to several people that have completed that and when they complete that process, you have a whole bunch of new recruiters out in the community recruiting for KPD. So I expect the number of interested personnel or interested people to continue. I think that the numbers of people that take the test, I think that a lot of people fail the test. I was talking to one (1) of guys that just got hired in your upcoming class. He went to a class at KCC and he said to get prepped, which he said is free, which helped him to pass the test. Is that being offered as well?

Mr. Gausepohl: I do not believe so. We are actually hiring one (1) graduate who is a graduate of the Citizens Police Academy. So you are right. It is working.

Mr. Rapozo: He is telling everybody that he knows how great it is. So I think the growth will be exponential. I really like the fact that the lists are larger now that we have a better pool and we can be more selective. Thank

you and I know the Chief and Deputy just walked in. Congratulations Chief and Deputy and thank you for stopping by.

Chair Furfaro: Members, any more questions before I take the floor? No? If not, as I said earlier, you know, this has been something that we are very much open to ideas and if Department can use Mr. Rapozo as our Public Safety Committee Chair as the conduit to the Council. I want to thank you very much for the update and compliment all three (3) of you. This is very interesting in some of the approaches that you are where even at the point that the drug testing is never announced in advance, so people have to be clean at any time that you call them. As well as I have been to both graduating classes of the Citizen Advisory Group. Fine group of people there. I concur with Mr. Rapozo that these are people that are now out in the community that are watching your opportunities to get good, qualified people into the system. You know, that is outstanding. I know the Chief is here now, but please pass on to him, if he can touch base a little bit on future staffing guides, that indicate okay, we are almost ready to start this additional beat like Kapa'a or so forth. He gave us a preview about a year and a half ago. It might be something that we can talk about at the budget time. I also, as you work with Mr. Rapozo, we have made suggestions in the past myself, even indicating that if we can enhance the possibilities of new officers being in communities, where communities now feel there is an Officer in the neighborhood. We may even go as far to indicate that we might put money on the side to help pay for their closing costs if they buy a home in that area. Nothing should be left off the table when it comes to public safety. I wanted to plant that seed with you. Not that we are going to do it, but we are open to any ideas. On that note, on behalf of the entire Council, I want to thank you for responding to my correspondence about giving us an overview and continue to do the great work. Thank you very much. Is there anyone in the audience that wants to give public testimony on this item now?

RANDY FRANCISCO: First of all, I am the President of the Kaua'i Chamber of Commerce and member of the Kaua'i Police Commission. I just wanted to take this opportunity to acknowledge the good work of this Department in reviewing the Department strategic plan and although I have been on the Commission a year and a half, I just wanted to acknowledge it takes leadership and dollars and a partnership. I decided to become a member of the Commission from the standpoint of the business community because too often at the end of the day, the business community is asked for support in taxes and other kinds of things. But this issue of crime and most recently what happened on Monday reaffirms my commitment as to why I am a Police Commissioner. I wanted to acknowledge this team and the leadership and the entire Department because prior to getting involved with the Police Commission, one (1) of the things we started was the Crime Prevention Workshop, which gave me a fair assessment of some of the issues that the island was facing, as well as being a member of the Mayor's Crime Task Force and of course, the Crime Stoppers Program. I wanted to speak to the discussion briefly about where does this all go? At the end of the day we have to continue to support the Police Department, because although the strides have been made, I think it now takes us to that step that we have all been wishing for, which is to look to more beats. But as I know it takes tax money and support and I am just wanting to leave you with the thought that I left with a certain Governor recently, which is while the ideas are great, the results are what matters. So I look to good deliberations in the next budget session. I am here to support the leadership, Chief Perry for his outstanding leadership and most importantly to ask that you, as you have said, be open to ideas, but to be strategic and most importantly, that we continue to be accountable to the public, especially because the business community

I know, is doing its very best in this recession and recovery. We cannot be all things to everybody, as I have said before. So let us choose wisely on what we wish for, so we can actually pay for it and having said that, that is all I would like to comment on.

Chair Furfaro: Randy, Commissioner, I want to thank you for your testimony. As you know, I have never made it an issue with communicating. I have gone to the Police Commission. I have gone over the staffing guides with you, your budgets and so forth, as well as Fire Department. I just want to say that the Council will certainly look at things objectively, but we are all very much open to ideas and some great ideas and action has taken place to get us where we are. I concur. My compliments to the Department.

DARRYL D. PERRY, Chief of Police: My apologies for being here late. We were working on operations in Kalalau. We are going to do things a little backwards. We kind of practiced yesterday, but things do not always work out the way you want them sometimes. I will let Deputy Chief Contrades go first.

MICHAEL CONTRADES, Deputy Chief of Police: I just wanted to acknowledge the efforts of our personnel and Department of Personnel Services for their hard work in not only revamping, but condensing our hiring process and especially for meeting our goal of hiring a new recruit class by the end of the year. On December 31st as you may have been told already, we will be starting our largest recruit class in our history. It was through their efforts that process that used to take up to two (2) years or more will now take about six (6) to eight (8) months. Not only has that process been condensed, but it is more comprehensive. I am not sure if they talked to you about Doctor Quarry and the comment that he had made to us. But that was very reassuring to us that our process is moving in the right direction. It validates the changes that we have made to our process and gives us confidence that we are doing the right things. So again, thank you to our personnel and to the Department of Personnel Services. We truly appreciate their efforts and KPD will continue to move in a positive direction.

Mr. Perry: I will make this brief. One (1) of the biggest goals that I had in coming over here was recruitment. Among others were accreditation and the other was retention, retaining our officers. By Charter and also the H.R.S. 52(d), those are my duties and responsibilities to make sure that we have sufficient police force. When I first got here, as was stated we had twenty-nine (29) vacancies. In a study done by population driven police force ratios and this was done in June 18, 2009 by the U.S. Department of Justice, Bureau of Justice Statistics and National Crime Victimization survey. For a population – they are using the ratio of one thousand (1,000) base population. The lowest ratio that the Department should have is 2.21 Officers per thousand. I have the information here and I will give it to the Clerk later on. Also for the low end of the ratio – the high ratio is 2.34 and the average is 2.30. For a de facto population and I talked with Sue Kanoho about the visitors and military and the rest that are on the island. We have a de facto population of eighty-thousand (80,000) on this island. So with the authorized positions, we have one hundred and fifty (150), which includes myself and the Deputy Chief. Our current and maximum strength is 1.88. When I first got here we had twenty-nine (29) vacancies which means we had one hundred and twenty-one (121) Officers. That ratio, when I got here was 1.5 per one thousand (1,000) population. The lowest number again that they recommended is 2.21. What does that mean? At the lowest range, at maximum strength, we would be down twenty-seven (27) Officers. At the highest ratio it is thirty-seven (37). On average, even at maximum strength we would be down thirty-four (34) Officers. So it was

vitally important for us to move forward on recruiting. It is not a luxury. It is what this Department needs and this is the standard throughout the nation. So I just wanted it clarify that with this Council. I would like to thank Commissioner Francisco for those kind words for the leadership at KPD. We are still trying to do best we can. It has been difficult, but I know we have your support so thank you very much. That is all I have and I will give this information to the Clerk.

Chair Furfaro: Can I just get a verbal clarification on the ratios that you used for us at daily census of fixed population of sixty-three thousand (63,000), and visitor population of about eighteen thousand (18,000), to get to your number. But your ratios are on only Officers or is that the size of the Public Safety Department for Police? Would that include...

Mr. Perry: Police Officers only.

Chair Furfaro: That is Police Officers only.

Ms. Yukimura: Not so much a question. But just a really heartfelt thanks for your leadership. Commissioner Francisco said that ideas are good, but results are what matter, or something like that. You know, there has been a lot of effort put into this issue of vacancies. But not the results are just very, very impressive, and encouraging. Mahalo for your leadership, both of you, and your team and the work you have done.

Chair Furfaro: Chief, I do have one (1) point of clarification here. We understand in your section, and the Fire Chief Section, there are times where you have to depart us to attend to the nature of business. But your staff did a very good presentation and all we are asking is that when we post the agenda, if people could in fact follow the TVs, the close circuit that they have in their area and if they know who they are following then they should come over. But in your particular case, no need to apologize. We understand at times that duty calls you away.

Mr. Bynum: You anticipated the question that I had in my mind about what is our target in terms of being fully staffed at national standards and so my assumption is that the average is at a minimum is our goal.

Mr. Perry: Yes, sir.

Chair Furfaro: Chief, your team represented you well and the presentation today. I will thank you and the Department again for responding to my request for an update on staffing.

There being no objections, the meeting was called back to order, and proceeded as follows:

The motion to receive C 2013-15 for the record, was then put, and unanimously carried.

C 2013-16 Communication (11/23/2012) from the Environmental Services Management Engineer, Department of Public Works, requesting Council support and appropriate action to preserve the State's annual allocation of Deposit Beverage Container (DBC) funding to the County of Kaua'i: Mr. Rapozo moved to receive C 2013-16 for the record, seconded by Ms. Nakamura.

Chair Furfaro: So on that note, Allison, for the Department I am asking in the future and I will remind the Councilmembers every time they want to switch someone's agenda, other people can follow where we are at in the train of items. But welcome. We have a motion to receive and seconded already. So I am going to suspend the rules and you have a presentation for us?

There being no objections, the rules were suspended

ALLISON FRALEY, Solid Waste Program Development Coordinator:
I apologize about earlier being late as well. Yes, just briefly. I had sent a communication to Council regarding the HI-5 Bottle Beverage Container Program. This program has been funded on Kaua'i by the State since 2005, fiscal year 2005. The County of Kaua'i has received – had services for a contract with the State to – in the letter actually. At this point the County received \$265,000.00 a year and that is to cover the operation of two (2) certified redemption centers in underserved areas. Those are specifically Kōloa and Kekaha. The funding also supporting two (2) Recycling fund Specialist positions which provide customer service and assist the State with the retailer inspections and the certified redemption center in sections. They also increase HI-5 recycling through special programs and public education. So last year we have heard – last year the funding was in jeopardy, well this Fiscal Year 2013. We told the Council about that during the budget session last time. You had asked that if there was further discussion with the State staff people about the possibility of funding ending in 2013 to let you know about it. That is what we have heard from the staff that there probably will not be funding for the County this next Fiscal Year. We wanted to make you aware of that and ask you for whatever support you can provide for lobbying for these funds, they are very important funds for this very important program for the Recycling Office because it is a catalyst to all of our recycling programs. This is a program that provides financial incentives for recycling, which a lot of people participate in. We have a eighty percent (80%) recycling rate for the HI-5 beverage containers. We are concerned that if we lose that support, we will lose those redemption centers and we will have lost the education and many essential things that are a big part of this program.

Chair Furfaro: Can I assume that this information has been shared with the Mayor and Council of Mayors? They are well aware of their lobbying requests that are being made as well?

Ms. Fraley: Yes, and also with our local Legislators.

Mr. Rapozo: In the packet that we have, we have obviously the communication from your Office or from Public Works to us, as well as a copy of the letter from Public Works to the Environmental Health Administration. What I do not see is a response. Did we get a response?

Ms. Fraley: We did not receive a response?

Mr. Rapozo: At all?

Ms. Fraley: No.

Mr. Rapozo: From July of 2012, they did not respond to our letter?

Ms. Fraley: They have not responded.

Mr. Rapozo: Okay. That is pretty rude. But I understand, maybe they cannot afford the stamps.

Chair Furfaro: I think Mr. Rapozo makes a point, and that the State is not responding to us. Have we brought that to the attention of our Legislative team?

Ms. Fraley: We have, yes.

Ms. Yukimura: Are other Counties, especially the neighboring island Counties having the same problem, would their support be cut as well?

Ms. Fraley: Yes. The Big Island. The Big Island, rural like us, they actually receive a larger contract with the State. Their contract is for upward \$700,000.00 because they have more redemption centers, on the Big Island. They have the same staffing level of two (2), two (2) staff people. O'ahu has never taken a contract with the State because they are there on ground, they do not really need O'ahu recycling assistance because the State has a presence on O'ahu. Maui had funding from the State for the first couple of years and then there was a legal issue where they refused the funds. So it is just us and the Big Island at this point that are funded.

Mr. Hooser: If you could restate, what would be the tangible impacts on recycling to Kaua'i County if the funds were cut and not replaced in some fashion. We would actually close recycling centers? Would the community be unable to recycle in some areas?

Ms. Fraley: Well, these are the impacts as I see them. At this point there are eight (8) certified redemption centers on Kaua'i. Two (2) of them are in areas where we did not have the private sector go in initially. So we, on behalf of the State funded these two (2) locations, Kekaha and Kōloa, with the State funds to have redemption centers in those locations. It is possible if we do not have funding that we will not have redemption centers. The current contract for services for those two (2) locations is \$90,000.00 a year, a we pay operators to operate those two (2) locations. The contract ends June 30th and we are going out to bid. We do not know what the price will be and the competition we will have and so forth. So that is one (1) of the major impacts because there are a lot of customers at those locations. I do have some statistics for you on that. At the Kekaha site, they move – and the number of units is amazing – an average of two hundred and fifty-two thousand (252,000) aluminum containers per month, one hundred eighty-six thousand (186,000) plastic containers a month, and one hundred and four thousand (104,000) glass containers a month. They are serving an average of seventy-four (74) customers everyday that they are there. They are there two (2) days a week. So that is Kekaha. Then Kōloa, the number of customers is almost as high at sixty-two (62) per day per event and the units is about half. So glass seventy-two thousand (72,000) units, plastic one hundred and nine thousand (109,000) and aluminum one hundred and eight thousand (108,000) units per month goes through that facility.

Mr. Hooser: So you said there is a total of eight (8) sites and two (2) of them are funded by this program?

Ms. Fraley: Yes.

Mr. Hooser: And the other six (6) sites do not require funding because they earn money from the recyclables?

Ms. Fraley: So do these sites. It is just when the law passed, private (companies) went in. That was – they went in and decided where they wanted to operate these centers and these were locations that were underserved and that was our task to go in and create these opportunities in areas where there was nobody going in. Actually the sites then are County obtained. So is the Kōloa site right next to the Kōloa Fire Station. So the County owns that site. The Kekaha site is across from the Old Mill and we have a contract, a lease on that, \$6,000.00 a year and that is paid through the State's contract.

Mr. Hooser: So those operators received the \$90,000.00 contract plus whatever proceeds they get from the recycling?

Ms. Fraley: Yes.

Mr. Hooser: Are they the same contractors that operate the other sites?

Ms. Fraley: It is Kaua'i Community Recycling Services are our contractors at this time. They have two (2) other sites that are not supported through the State funds and that is up in Kilauea and in Kapa'a. The other operators are Reynolds Recycling and Garden Isle Disposal. But that is not it. Sorry, that is just the redemption centers because you asked what would be the impacts. Also our staff provides really important public information especially when they do school presentations. We had an average of fifty (50) presentations.

Mr. Hooser: How many staff would it impact?

Ms. Fraley: There is two (2) staff.

Mr. Hooser: So the two (2) staff would be eliminated?

Ms. Fraley: Yes.

Mr. Hooser: Plus the two (2) recycling places.

Ms. Fraley: Yes, plus the locations. So those are big impacts. For school presentations, last Fiscal Year, there were more than fifty (50) classroom presentations provided by the staff. They reached one thousand seven hundred (1,700) students. You know, with our current staffing in recycling funded by the County we are just not able to do that. So that would be a really big loss. We get calls from customers who maybe had problems at the redemption center. They thought that they did not get the right money back or whatever. So we deal with the customer complaints, we check what is going on and report back to the State, mislabeling of containers, lots of issues that people need customer service right away. They do not want to call the State. They need somebody here on the ground in Kaua'i. So those are the kind of things that we would not have, if we did not have the funding.

Mr. Hooser: That helps me understand a little better.

Ms. Nakamura: So out of the \$0.05 deposit, it generates \$4.5 million for the State.

Ms. Fraley: I believe that it is more than that. I am sorry I did not bring that information.

Ms. Nakamura: That is what I thought I read.

Ms. Fraley: The \$4.5 million is referencing the recent increase to the admin fee which is the half a cents that was added on in September, I believe. So they are getting an additional \$4.5 million.

Ms. Nakamura: What are the funds being used for if it is not helping the Counties administer the programs?

Ms. Fraley: Well there is a handling fee that is paid to the operators, who operate these events. So for every container they redeem the \$0.05 to the public, they get \$0.03 for managing the operations. \$0.03 back per container. If it is glass, they get \$0.04 back because the processing costs are higher. So that is the main use of the funds. Also to support the State's staff, because there is an administrative cost to the program.

Ms. Nakamura: And if these two (2) redemption centers in Kōloa and Kekaha closed result of lack of funding, where would the residents go?

Ms. Fraley: The closest is Lāwa'i. It is near the Lāwa'i Post Office, in the same parking area. So the distance from those locations, the Kekaha site is sixteen (16) miles away from that and the Kōloa site is five (5) miles away. So that would be the closest or otherwise they could drive all the way to Līhu'e and that would be a lot further.

Ms. Nakamura: The closest is the Lāwa'i center as well?

Ms. Fraley: Yes. The Lāwa'i site is currently open Tuesdays, Wednesdays and Saturdays from eight to noon. They have a pretty high customer volume so they probably need to be open more if they had more customers too.

Ms. Nakamura: So then, Allison, if we move toward a MRF, what would happen with these redemption centers?

Ms. Fraley: They would still need to be in operation. So the MRF is the processing facility where the materials go. But these are customer service locations where people are getting their nickels back. So these would still need to be in operation.

Ms. Nakamura: You could not put your cans and bottles in separate trash bins?

Ms. Fraley: I am sorry?

Ms. Fraley: Of course. People who do not want to redeem their containers will be able to deposit those in the curbside bins and go to the MRF.

Ms. Nakamura: So you have two (2) systems in place?

Ms. Fraley: But what you have seen in O'ahu, where they have the current curbside recycling and the redemption centers, is that most people will choose to redeem to get their money back for their redeemable and then they put their non-redemption recyclables into their curb side program.

Mr. Rapozo: Allison, should we lose the funding and we will definitely send over communication to the State, if we can get the staff to prepare that. A very strong letter to the State asking for least a response. I will actually call them on the next break to find out what the heck is going on. We will definitely follow up with a letter. If we should lose this funding and these two (2) sites go away, would not the private sector step up? I would assume. Just the bottles – I mean the plastic alone, you are saying that they get paid \$0.03?

Ms. Fraley: Yes, per container.

Mr. Rapozo: They do not get the \$0.05?

Ms. Fraley: They give that back to the customer.

Mr. Rapozo: So they are paying the \$0.05?

Ms. Fraley: They show up with funds to give the customer. Then they ask the State for the money back and they also get three (3) additional cents for each container.

Mr. Rapozo: So they get the \$0.05 that they give to the customer.

Ms. Fraley: Yes. The \$0.05 is a wash though.

Mr. Rapozo: So they get \$0.03 plus the contract amount which is, you are saying \$90,000 per site?

Ms. Fraley: For both sites.

Mr. Rapozo: For both. So they get \$90,000.00 to operate, and it is the same vendor doing two (2) sites?

Ms. Fraley: Same vendor.

Mr. Rapozo: So it is \$45,000.00 a site?

Ms. Fraley: Yes.

Mr. Rapozo: So they get the \$45,000.00 and then they get the \$0.03. What did you say the monthly average of plastic was? I think it was like one hundred and some odd thousand.

Ms. Fraley: Yes. And I have it here if you was to do a calculation. But I can give it to you.

Mr. Rapozo: I am just trying to do the math because so entrepreneur out there watching might say, hey...

Ms. Fraley: Okay, so we can talk about Kekaha. The plastics, the number of units per month one hundred eighty-six thousand one hundred and seventeen (186,117).

Mr. Rapozo: Okay, hold on here. 186,117 times 0.03. So they get about a \$5,500.00 profit just from the bottles per month.

Ms. Fraley: Yes. They gross it because they have expenses. They have their staff...

Mr. Rapozo: I understand. I do not know what their expenses are. Where do they drop these things off? Do they have to ship it?

Ms. Fraley: No, we have the local processor is Garden Isle Disposal.

Mr. Rapozo: They drop it off at Garden Isle Disposal?

Ms. Fraley: Yes.

Mr. Rapozo: Do they pay?

Ms. Fraley: Garden Isle Disposal accepts the aluminum and the plastic at no charge. They process it.

Mr. Rapozo: So there is no overhead there except for the gas that it takes to drive there.

Ms. Fraley: And Garden Isle Disposal gets the commodity value for accepting that material, which aluminum is quite high, which is a good benefit for them for running that service. Now for glass, Garden Isle Disposal by contract, it is actually our contract for the Kaua'i Resource Center, has a limit on what they can charge because glass is an expensive item to process. Also, they have to ship it actually to the mainland. So for the glass the operator of the redemption center pays Garden Isle Disposal \$0.05 a pound to accept that. To do that, you have to know the number of pounds.

Mr. Rapozo: What about the aluminum? How much aluminum did you say, Kekaha?

Ms. Fraley: Aluminum at Kekaha it is two hundred fifty-two thousand three hundred and thirteen (252,313).

Mr. Rapozo: And what is their...

Ms. Fraley: It is \$0.03 for those – for that one too.

Mr. Rapozo: The same?

Ms. Fraley: Yes.

Mr. Rapozo: So that is another \$7,500.00. So probably close to \$15,000.00 a month...

Ms. Fraley: That is not counting the glass, which you know...

Mr. Rapozo: Yes. I am not counting the glass? Do they lose money on glass?

Ms. Fraley: No, I do not think they lose money on glass.

Mr. Rapozo: Me neither. So we are talking about a pretty lucrative, maybe with the glass a couple hundred thousand a year opportunity. I understand that – I am just being realistic here. I think when we start looking at priority it is a shame that they raised the fee, the State did, with the hope to raise an additional \$4.5 to \$5 million dollars that should come back to the Counties. But they are broke or they say they are broke. When you start prioritizing a service to the community, it is not very high. When you start looking at public's health, public safety and so forth. So I am just thinking out loud how the State is thinking. Should we be unfortunate and we will try our best to get this restored. But I think it is a great opportunity for that business. I am thinking about picking up a truck right now and maybe entering that field because that is pretty good money in addition to the contract amount. So they will lost the \$45,000.00 from the State, but you are providing an opportunity for an entrepreneur to...

Ms. Fraley: I agree and as I said we are going out to bid and it is possible that we could get a zero (0) bid.

Mr. Rapozo: Let me declare my conflict of interest right now. Just kidding. Thank you, Mr. Chair.

Ms. Yukimura: So, the services notwithstanding at Kōloa and Kekaha, will still lose two (2) positions that are really valuable in terms of producing education on recycling?

Ms. Fraley: Well, I sent over the scope of services, so you can see what the State contract who do. Some of the stuff is stuff that we would not necessarily have to do if we did not have a contract and the State could do like they do on Maui, which is these certified redemption center inspections and the inspections of the retailers. On Maui for instance, where there is no County staffing, they send secret shoppers. So the State could conceivably go and do that work themselves and administer the program that way. What is essential for Kaua'i is that the education part, that all of our other recycling programs kind of rely on that school education. We did the road to recycling tours using that staff person where we are educating that adult population about all of the recycling programs. Those I see as very essential and keeping us. So we could reduce the scope, you know, and still provide important services.

Ms. Yukimura: Well, but my understanding of moving towards zero (0) waste is that the educational part is an essential component. If you look at the communities that are very successful, like San Francisco, and Seattle and Portland, that are achieving seventy-five percent (75%) diversion rates,

their educational program is very robust because it does not happen without being able to answer the questions, give guidance to people who want to recycle and know what to do and where to do it and all of that. You know, we have always been told pay as you throw, the infrastructure and the education is what you need, or you cannot achieve your goals. So I hope the Solid Waste Recycling Division has a strategic plan and I am trying to remember what is in the Solid Waste Management Plan. But education is a big part of it.

Ms. Fraley: Oh, yes.

Ms. Yukimura: So I am not clear that we want to down size it.

Ms. Fraley: I am sorry. This funding is specific to the HI-5 Program though and that is very restrictive. We do not use those staff positions do anything, but HI-5 work.

Ms. Yukimura: So when they go to the schools it is just HI-5 education that they do?

Ms. Fraley: Well, they talk about recycling education and HI-5 is really a part of. But what I am saying is that we have a lot of programs to educate on and we are doing our best to make sure that we do that.

Ms. Yukimura: Do you have a strategic education plan?

Ms. Fraley: Well the Integrated Solid Waste Management Plan lays out what our education scope is, yes.

Ms. Yukimura: What part does these two (2) positions play in that education plan?

Ms. Fraley: Doing these school presentations is a big part of it. So for business recycling, the County funds that because business recycling is a lot more than the HI-5. It is cardboard, it is metals, it is bands and hopefully, we are going to put new ordinances before you. So those cannot be funded under HI-5. We just have to be really careful about making sure that we are following the scope and only restricting those positions to that...

Chair Furfaro: We are going to have to a – I have delaying it as long as I can. But we are going to have to take a break here. But if you want to finish up your question.

Ms. Yukimura: Okay. It sounds like this funding is maybe too restrictive and if you want to do your education programs, one (1) way is to actually change the HI-5, so that it can be broader in the recognition of recycling in general, or else there needs to be maybe – do you have education positions in the County right now?

Ms. Fraley: Well, we have Recycling Specialist positions that have education responsibilities funded by the County and are doing that work.

Chair Furfaro: Allison, we are going to have to take a caption break here. But before you do I just want to say, please review your

financial presentation to us on costs because as you look at your staff positions, the cost benefit for these two (2) positions seem to be very inflated. If you can just look at that. What is that? This is your spreadsheet?

Ms. Fraley: The benefits?

Chair Furfaro: Yes.

Ms. Fraley: That is correct.

Chair Furfaro: That is correct? Well, I have a hard time to believe that Allison and I will check with you independently later.

Ms. Fraley: Okay.

Chair Furfaro: I assume this was your report. It was passed out?

Ms. Fraley: Yes, it is mine.

Chair Furfaro: We are going to go on a recess and I do not need the answer today. But you are basically saying that PT&E for your Department is one hundred and two percent (102%) of payroll, that cannot be right. It should be more like fifty-four percent (54%).

There being no objections, the Council recessed at 11:28 a.m.

There being no objections, the meeting was called back to order at 11:39 a.m., and proceeded as follows:

Chair Furfaro: If we do not have anything else for you Allison, then we can take public comment. But let me see if we have anymore for you.

Ms. Nakamura: Just to follow up on Councilmember Rapozo's point earlier. You said that you are going out for an RFP for the Kekaha and Kōloa sites?

Ms. Fraley: Correct.

Ms. Nakamura: And it is just to throw it out there to see if there is any interest without a public subsidy?

Ms. Fraley: No. We are going out to bid because we could get funding next fiscal year from the State. That is what we are hoping for. The award would be contingent on funding and so we will see what that bid is.

Ms. Nakamura: Okay. Should it not be designed for some flexibility, so you do not have to redo it if there is in funding, to see if there are any public takers without a public subsidy?

Ms. Fraley: That would be the zero (0) bid flexibility, there is that flexibility already in there.

Ms. Nakamura: When you say that would be a zero (0) bid?

Ms. Fraley: Without subsidy.

Ms. Nakamura: That is one (1) of the alternatives in the bid?
Okay. That is good. Thank you.

There being no objections, the meeting was called back to order, and proceeded as follows:

The motion to receive C 2103-16 for the record, was then put, and unanimously carried.

Mr. Watanabe: Chair, we are going back to page – we are back on page 3, C 2013-14 and we have a motion already to receive.

Chair Furfaro: I am going to suspend the rules and ask somebody from the Salary Commission or Boards and Commissions, either one (1). Do we have anyone from the Salary Commission? We do not? Okay. It might be fine for you, it is not for me and I will tell you here in a moment.

There being no objections, the rules were suspended.

Chair Furfaro: Hi, Paula, you are here from Boards and Commissions?

PAULA MORIKAMI, Boards and Commissions Administrator: Yes.

Chair Furfaro: We have this transmission to us on the Salary Resolution. Can you give us the highlights of what that actually means? I think it basically says no increases.

Ms. Morikami: Correct. With the exception of those four (4) increases that occurred earlier in the summer regarding the Police Chief, Fire Chief and Deputies, there are no increases scheduled for July 1, 2013?\.

Chair Furfaro: Just wanted to share with you Paula, I could interpret there were no increases. But almost a month and a half ago, in preparation for the budget, I wrote the Administration, this Council needs a base for the assumptions of how we move forward. In any good budgeting process I have not heard from anyone. In that question of assumptions, were things that dealt with where is the electric bill going, what kind of increases, where is the fuel consumption, what is happening with UTF and employee benefits, what is happening with the bargaining units and what is happening with salary payroll? Those are assumptions we need to have for the budget. I would have thought at least we would have had a piece on the non-bargaining unit salaries that came back in writing, addressed to this memo. We did not. I could interpret from what is there the Administration is saying no increases for the salary pieces. But I will send another communication over asking on these other assumptions. There are a key parts of financial planning that we have the rationale that supports. Fuel has gone down, you know, in the last seven (7) weeks, almost \$0.30 in the State. What is it going to be next year? What are we forecasting? What is the rationale? Payroll, biggest single expenditure we have in the County. No commentary on the requests for assumptions. But I appreciate Mr. Bynum raising the question, and it

is particularly just talking about the Salary Commission. But the bigger question for us is, we would like to see the assumptions on all of those key operating costs. Mr. Bynum, you have the floor.

Mr. Bynum: I just know for the public, they know many that when we receive a Salary Commission here, that means that we are accepting their recommendations. I just wanted it to be said on the Council floor for anybody watching that their current recommendation is that we forego raises this year and in essence, until they act again, right?

Ms. Morikami: Correct.

Mr. Bynum: Because in the past they had moved the date, right? But now they are just eliminating any increase at this time for the foreseeable future.

Ms. Morikami: That is correct.

Chair Furfaro: Paula, I want to thank you for being here on behalf of the Boards and Commissions. But it had some financial impact in preparation for our budget.

Ms. Morikami: I would just like to add that the Salary Commission took your suggestion very seriously. That you hoped to have a Salary Resolution not on March 15th, but by the end of the year. So they did meet on a number of occasions to address your concern.

Chair Furfaro: That is outstanding and my compliments to the Commission for doing it. But a little more explanation along through the Administration would have been helpful. Mr. Rapozo you have the floor.

Mr. Rapozo: I appreciate the submittal before the Charter required date of the 15th. But like the Chair, I mean, we get a communication basically saying that because the Finance Director has stated that they do not anticipate any increase in revenue, was that the sole basis for this Resolution by the Salary Commission?

Ms. Morikami: No. What the Salary Commission did was request it from DPS, Department of Personnel Services, an analysis and comparison of all the islands on their similar or identical positions for the Department Heads and the Deputies, Council, Auditor, whatever is on that Salary Resolution. They did a compensation for Maui, Big Island, O'ahu, and Kaua'i. As they reviewed those documents, Kaua'i seems to be in line with the other islands and so they felt that there was no – they suggested that there would be no raises for the next coming. The Director of Finance did a thorough report, but that was just one (1) consideration. The main consideration was looking at the report coming from DPS.

Mr. Rapozo: Did they look at – because obviously it almost took an act of congress to get the last salary study. I think you are familiar and we finally got that study. But did we just look at positions with salaries or do a complete analysis of duties, people that they supervise? Was that all conducted by someone?

Ms. Morikami: Personnel did that. In fact they included not only the salaries of the Directors and the Deputies, but they also listed the number of employees that they supervise and also gave us two (2) steps below so that we could see if there was any inversion between those below those positions. In their analysis they felt that Kaua'i is pretty much in line with the other islands. The next study, they felt that they did not want to do this year. The next study basically in speaking to the DPS was more of a classification type of study, whereas they wanted to really focus on those positions that were in the Salary Resolution.

Mr. Rapozo: So basically with this Resolution now, the Mayor, the Police Chief and the Fire Chief will all be making the same amount of money?

Ms. Morikami: Yes, correct.

Mr. Rapozo: And the Salary Commission is okay with that? That the Mayor will get paid the same?

Ms. Morikami: They were okay with that only because they themselves were the ones to increase the Police Chief, Fire Chief and Deputies.

Mr. Rapozo: Right. And I think – I do not know maybe I just assumed that, but I thought that the assumption was that they would be making the same amount of money until July 1, 2013, whereby the Mayor would get his raise. But that has been – with this Resolution is eliminated now. Now the Mayor will make the same as the Police Chief and Fire Chief.

Ms. Morikami: Correct.

Mr. Rapozo: That is good and I appreciate your answer. But I simply cannot support that. Thank you.

Chair Furfaro: Is there any further discussion from members?

There being no objections, the meeting was called back to order, and proceeded as follows:

Mr. Rapozo: Like I just stated, I will not be supporting the receipt. Like you, I do not believe that it is the Board and Commissions Chairperson to appear and explanation the process for the Salary Commission or for the Administration, for personnel. I would have rather seen analysis attached to this Resolution because we are not going to have any more tax revenue. But this has been the effort of the Administration and the Commission for quite a while to keep putting off these raises. Again, I think we have had this discussion on numerous occasions for many hours. The Salary Commission, I forget the year that originally came out with the Resolution, I am assuming it was back in '06 or so, had it planned out and, in fact these raises should have been awarded back in 2011 and maybe even before that. I that was amended as well. I think that should have been in 2010. It was pushed back to '11 and so forth and we all remember the debates. I would much rather see this Resolution finally get carried through. I also cannot agree to the fact that the Mayor will be making the same as the Police Chief and the Fire Chief. I just do not know of a situation. I mean I do not think Honolulu, Maui, Big Island, or any jurisdiction has that. We talked about it at the last – when we

had this last amendment come up, that, in fact, the study should be revisited. That we should do a new analysis because things have changed in the County. We have had new Departments created and there is just a lot of different responsibilities that have changed since the original Salary Commission Resolution. I am not going to be supporting it that the time, really for the lack of information. I am not satisfied with the supporting documentation that has been attached. Thank you.

Chair Furfaro:

Other members?

Mr. Bynum: I just wanted to clarify earlier that the Salary Commission is saying that we are not going to schedule raises for Department Heads this year or any other subsequent. They did not move the date. They just said status quo for the time being until they act again. I am supportive of that. It was the Mayor's choice several years ago to forego his own raise. That created a situation where the Prosecutor and Auditor are currently paid at a higher salary than the Mayor. We acted as a body with the Commission to increase the Police and Fire Chief and Deputy Chief a few months ago, because there was specific reasons for those particular ones. But I cannot support an increase in executive salaries in a period of time where we are increasing property taxes on residents and decreasing property taxes on business and out-of-state owners. So I do not feel we are at that stable finance situation that we would be wanting to give increases to our most senior executives at this time. They are in the \$100,000.00 range now. That is pretty substantial and when we are more stabilized fiscally. I support this and I wanted to make sure that the public understood, because we almost voted on it before we had this discussion. So thank you, Paula, for coming over. I will be supporting receiving this, which means that the recommendation from the Salary Commission at this time our Chief Executives, most of them do not receive additional raises this year. Thank you.

Mr. Kagawa: Yesterday we received word from the Auditor as far as our bad news about our revenues being less than our expenses. It is not a good sign. Times are going to get tough. We are going to have to make tough decisions and I agree with Mr. Bynum that it is a good decision by the Salary Commission to forego the pay raises. So I will be supporting Mr. Bynum. Mahalo.

Chair Furfaro:

Any additional commentary?

Ms. Nakamura: I too would like to thank the Charter Review Commission for – excuse me, the Salary Commission for their timely work and I will support the motion to receive. But I also think that I agree with Councilmember Rapozo that I think that along with this Resolution that some reports, some analysis of the Salary Commission's thinking about this, their research behind it. It sounds like they have done that research, but I do not see any documentation to back it up. I think that is important for us to receive, to really understand their thinking. Just having this one (1) page resolution to me does not get – I do not understand their rationale leading up to this. But I do agree given the comprehensive report that we looked at – financial report that we looked at yesterday, given that this is probably a prudent thing to do.

Chair Furfaro:

JoAnn, did you want to speak?

Ms. Yukimura: Yes. I think a holding action, which I believe the Salary Commission recommendation is in order. Hopefully when the next cycle comes around, they will do a more thorough report and we will also get the report

and the rationale. I do appreciate what Ms. Morikami has given us in terms of additional rationale and additional work that the Salary Commission has done. But for now, I think, this is where it makes sense to stand here for now, where the Salary Commission is recommending.

Chair Furfaro: Any further comments? I would like to say that that is a good term "put things on hold," because we are certainly entitled to some narrative that gives us an explanation of the thinking. More specifically, a study that compares the skill levels with different positions against the responsibilities that they assume. At least we are ahead of the date now. So that we can do a comprehensive understanding of our operating budget. I shall be supporting this as well. Okay. If there is no further dialogue...

Mr. Rapozo: I just had one (1). The other thing that did not come across was a ramseyered version of the Resolution. So I take this to read that entire column will be removed. So it is not a matter of revisiting it in the next session. That is how I read it and correct me if I am wrong, it is basically deleting the increases in maximum salaries, and again, these are maximum salaries. It is still up to the Department Head or the appointing authority to set the salaries. I just wanted to honor Salary Commission that spent the time and money to get here. But as I read this Resolution, and maybe we can...

Chair Furfaro: Al is here.

Mr. Rapozo: Not Al, but Paula. Just in the future, when we should get the Resolutions from the Commission, that is should be in a ramseyred version so we know exactly. Right now, it just says "Article I, Subsection B is Amended to delete the increases and maximum salaries scheduled to be effective on July 1, 2013." Again, I take that column will be removed and this Resolution is done and it will take a new Resolution to move any salary increases.

Chair Furfaro: To do anything.

Mr. Rapozo: Right. Then I just got the impact – the impact to the budget will be about what is that? Between \$60,000.00 and \$100,000.00, that would be the potential impact should the appointing authorities and Department Heads pay the Department Heads at the maximum end of the salary. I just wanted that clarification.

Chair Furfaro: To some degree, if I may. I do agree with you, because I think the original Salary Commission that laid out a chart of incremental increases based on still allowing them to give them a review for the highest level of performance. I thought it was well done. The fact of the matter that it kept getting pushed back and pushed back. So it almost became a situation where the work that they did was poho.

Mr. Rapozo: And I think Mr. Chair, that is probably a better way of saying it. That is kind of the dilemma that I am in. We charter this Commission to do the study, we funded the study, it cost a lot of money. They took all of the economics and they had all the experts. I am not going to say it is an insult, but I think it is pretty much discrediting what they have done because we are blaming the economy. But I think most of us here, I think except for Ross who is new, and Gary, who is returning, the last few years. If you look at the

expenditures in our budget, please do not tell me that we could not find \$100,000.00 that we did not over budget somewhere at \$100,000.00. So I do not think this financial crisis is the necessary or the reason. Believe me, I am one (1) of the most critical Councilmembers of our Department Heads. But I also believe when they get hired and they get appointed, and some of them even on a contract, such as the Police Chief, which that one (1) was rectified. When they get retained, they get appointed and look at the salary chart, and it is anticipated salary going forward. So they are getting appointed and then we change the rules in the middle of the game. This is not a fabricated numbers. This is not numbers that the Mayor or anyone is saying that hey I want to pay these people. These are numbers derived from a study done years ago. That I felt was a valid study. I totally understand the comments from my colleagues. But I do want to put this issue to rest and satisfy this Resolution as it was originally intended and move forward to hopefully a new study at some point with that will take into account the current economy and financial status of this County. Thank you, Mr. Chair.

Chair Furfaro: The good news is that we have a new starting point. We have some opportunity to be ahead of the curve on the budget. So this will just be a voice vote? Am I correct?

Mr. Watanabe: Yes.

Chair Furfaro: And I would like to take that vote now.

Ms. Yukimura: Mr. Chair?

Chair Furfaro: Yes.

Ms. Yukimura: It may be the point that Councilmember Rapozo has been making. But we are amending – or the proposal is to amend or the Salary Commission has amended 2012-01, Resolution 2012-01, but that does not reflect 2012-02.

Mr. Rapozo: Correct. 2012-2 – I am sorry, Mr. Chair, may I?

Chair Furfaro: You have the floor?

Mr. Rapozo: 2012-02 just addressed the Fire Chief and Police Chief and Deputies so that will be the same.

Ms. Yukimura: You are passing a Resolution amending. It may come from the fact that you are not ramseyering this thing. But you will have a Resolution...

Mr. Rapozo: I do not think it is valid, the amendment. But I am not going to go through, because that is going to be a legal issue. I am just saying that right now, as the Resolution stands, 2012-02 is going to stay intact. So Police Chief, Deputy Police Chief, Fire Chief, Deputy Fire Chief will retain their salaries that were approved during the last Resolution. All the other Department Heads, including the Mayor will remain at the 2008 level. That is what this does.

Ms. Yukimura: I understand. So I guess I would advise...

Chair Furfaro: Why do we not take a recess?

Ms. Yukimura: No, we do not need a recess?

Chair Furfaro: We can take a recess. I am not going to sit with the whole body to discuss a legal question and I hope you agree with that. Let us take a recess and you can have discussion with the Attorneys that are available?

Ms. Yukimura: May I just suggest why we do not need a recess?

Chair Furfaro: Go right ahead. You raised the question, but go ahead.

Ms. Yukimura: I think we should pass this. But I think the Salary Commission should be requested to send us a clarifying Resolution that ramseyers everything so that we have everything in one (1) document clearly shown.

Chair Furfaro: I think we agree. I think that was Mr. Rapozo's point that it should come over here that way. But it is not here that way. This is our last meeting of the year.

Mr. Rapozo: Mr. Chair, I would not suggest a follow up clarifying Resolution. I think that if you are going to vote on it, vote on the Resolution that you feel is valid. I do not have a big issue with the way it is written because I understand what it is saying. But it raises the question of what you brought up, regarding 2012-02.

Ms. Yukimura: Yes. I think the clarifying – we will leave that up to the Salary Commission.

There being no objections, the Council recessed at 12:04 p.m.

There being no objections, the meeting was called back to order at 12:06 p.m., and proceeded as follows:

Chair Furfaro: I am going to entertain the motion on the floor at this time, to receive, which for the public's notice is a receipt is an acknowledgment that what they sent us is acceptable. I will do a roll call vote if I can.

The motion to receive C 2013-14 for the record, was then put, and carried by the following vote:

FOR RECEIPT:	Bynum, Hooser, Kagawa, Nakamura, Yukimura, Furfaro	TOTAL – 6,
AGAINST RECEIPT:	Rapozo	TOTAL – 1,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Chair Furfaro: Thank you very much. I do hope there is some documentation between Boards and Commissions and the County Attorney that heard the expectations of the Council going forward. Thank you very much. I

would like to go – we have not quite gotten through page 4. So let us try and finish up page 4 before we break for our lunch break here.

C 2013-17 Communication (11/30/2012) from the Housing Director, requesting Council approval to decline the County's option to repurchase Unit No. 84, Villas at Puali, located at 1928 Hokulei Place, Līhu'e, Hawai'i, 96766, and to grant the owner a one-year waiver of the buyback and allow the market sale of the unit: Mr. Rapozo moved to approve C 2013-17, seconded by Ms. Nakamura.

Chair Furfaro: Is there anyone in the audience to wishes to speak to this item? Please come up now. Oh, okay. So I can suspend the rules and give you the floor, since we have a motion and second and you can pose your question. Come right up.

Mr. Hooser: Good afternoon, I guess, Ms. Rapozo. I had a question about this. At first glance it seems routine and I want to make sure I understand rather than vote on it through. I will state what my understanding is at first and you tell me whether I am correct or not. This is a measure to allow the County to repurchase a unit that was affordable housing unit. We are declining that, because the estimated value of \$611,000.00 and therefore it is one hundred eighty percent (180%) of the median household, so it is not really affordable. So we do not really want to buy it and should let the existing owner sell it on the open market?

There being no objections, the rules were suspended.

FAY RAPOZO, Homebuyer Coordinator: That is correct.

Mr. Hooser: I am having a hard time understanding how we own – not we own, but it is affordable housing, but it is over half a million dollars.

Ms. Rapozo: Well when this individual originally purchased this unit, it was not an affordable housing unit. This particular – and she had bought it for \$500,000.00 then.

Mr. Hooser: But it was a County owned unit?

Ms. Rapozo: No. They still have the buyback restriction attached to every unit. So what happens is if within that period, the restriction period, if they try or want to sell or do anything with the particular unit, they have to get the consent of the County housing.

Mr. Hooser: It was an affordable housing for sale project?

Ms. Rapozo: Exactly.

Mr. Hooser: And they bought it for \$500,000.00?

Ms. Rapozo: Correct.

Mr. Hooser: And they bought it...

Ms. Rapozo: They purchased this unit in 2007.

Mr. Hooser: And we have a buyback provision, I understand that. I think most homeowners would say if they bought something for \$500,000.00, it is now worth \$400,000.00 or \$350,000.00 with the market change, not \$611,000.00. So what is the market – do you know what market price is? It just kind of threw me off. The numbers were so big.

Ms. Rapozo: The market could be somewhere in \$400,000.00, \$500,000.00, but we have a calculation on our buyback restrictions which allows them – let me see, hold on a second. There is a computation on our buyback for Pauli, it is the cost of the original price, plus – let us see, I guess it is 3.70, which is the cost plus interest at the rate change of the CPI. So that is how the calculation is done. So that is why it got up to \$611,000.00.

Mr. Hooser: So buyback is by a formula?

Ms. Rapozo: Correct.

Mr. Hooser: So even if the value is much less?

Ms. Rapozo: Yes.

Mr. Hooser: The County is obligated to follow the formula?

Ms. Rapozo: Right.

Mr. Hooser: I understand it now.

Chair Furfaro: Anymore questions? If not, thank you very much.

There being no objections, the meeting was called back to order.

Chair Furfaro: Any further discussion?

The motion to approve C 2013-17 was then put, and unanimously carried.

Chair Furfaro: Now before I go forward, I want to make a statement. Part of the problem that we have all day is the fact that we write out an agenda and that agenda is publicized to the rest of our staff. They can watch from their closed caption signature TV what item is next coming up on the agenda and so forth so they can put order in their day. Then on the day of the meeting we have an open session in the morning where people can come and speak on any item that they want. But when I get an item that is requested for someone to speak now, it turns the agenda and it becomes very difficult. We have Department Heads sitting in the audience waiting their turn as we make other exceptions. So I want you to know, it is very difficult to make those exceptions for the public when we have made at the suggestion of Ken Taylor a change to our rules, which allows anybody to come speak in the morning. So I am not going to accept requests to jump pages for the convenience of people when we have department heads sitting and waiting for their turn. I hope you folks understand that I am trying to bring some regiment to the process here. We will go to the next item and if we get through page 4 then I will entertain the note that was just given to me.

C 2013-18 Communication (11/30/2012) from the Director of Economic Development, requesting Council approval to accept one-year of free trial service of UtilityTrac Plus Software from the software company "Facility Dude," a NACo Green Government Initiative Partner, valued at \$10,605.00 which will assist the County of Kaua'i with tracking, managing, and analyzing utility data across County facilities: Mr. Rapozo moved to approve C 2013-18, seconded by Ms. Nakamura.

Chair Furfaro: Is there anyone in the audience that wishes to speak on this item? Come right up.

There being no objections, the rules were suspended.

BEN SULLIVAN, Economic Development Specialist IV: I think you have all the material in front of you. What we are asking you for consideration for accepting a free trail of software that we hope to be very effective and we also hope to learn from. This is going to allows us to visualize our utility data which is really one (1) of the biggest obstacles for making it more useful to the whole entire staff. So we are hoping to get the up and running right away. If there are any questions, I would be happy to entertain them.

Chair Furfaro: I am very, very pleased with IT moving this way that would show is the kind of measurements we need to know about our utilities. Where it is from Parks and Recreation to peak value time in the main Office building. So I have no questions. Vice Chair, I am sorry – we have a change and I have a few years of habit, go ahead.

Ms. Yukimura: Ben, first of all, I just am so glad that we are making use of our NACo membership and utilizing some of NACo's services, which NACo stands for National Association of Counties. There are a lot of good resources, and I am glad to see you taking advantage of it. Secondly, we know that conservation and efficiency is really promoted when users get feedback and I am trusting that this information will help us give feedback to the various users of our buildings and thus, increase our conservation results. Thank you very much.

Mr. Sullivan: Thank you.

Chair Furfaro: I think we are all very excited about this possibility. But the biggest challenge is when you give them the information to, get them to react.

Mr. Sullivan: Yes, sir.

Chair Furfaro: They need encouragement. Any further questions? If not, thank you, Ben. Anybody else want to give testimony on this item?

There being no objections, the meeting was called back to order, and proceeded as follows:

The motion to approve C 2013-18 was then put, and unanimously carried.

C 2013-19 Communication (12/04/2012) from Council Chair Furfaro, requesting the presence of the Director of Parks & Recreation to discuss the maintenance and policy of County Cemeteries, and any proposals for utilizing

voluntary community support to provide periodic upkeep of the County Cemeteries: Mr. Rapozo moved to receive C 2013-19 for the record, seconded by Ms. Yukimura.

Chair Furfaro: Before I suspend the rules, I want to say, this item came up in a recent visit that I had at the community at Hanamā'ulu and I think that there were others of you attending that meeting. One (1) of the concerns that was brought up was the concern is that we have a series of community cemeteries on our island. Those that had contributed maintaining those cemeteries have actually moved on in age or even have passed us. The question was posed, as that volunteer base is shrinking, what can the County do periodically, twice a year, having an opportunity to visit those cemeteries for some maintenance reviews? So I put this on the agenda to hear from you, Lenny. You did provide us a list of County cemeteries, which you have in your packet.

There being no objections, the rules were suspended.

LEONARD RAPOZO, JR., Park & Recreation Director: We have sixteen (16) County cemeteries that are under Parks and Recreation. I guess the best way to describe them is Memorial Parks so that is why we have them. This does not include the Veteran's Cemetery down in Hanapēpē which is staffed by County employees. To give a little brief background of the cemeteries, most of these cemeteries is a result during our island sugar era where each of these plantation camps provided places to rest their loved ones after they had passed on. It was these camps or the people within them, basically the families that cared for these cemeteries. As we transitioned from plantation to today this care has been given to the County. The Department of Parks and Recreation does not have the personnel resources currently to maintain these cemeteries. With the list provided to you there are contacts, we rely heavily on the people's families within – that are still being buried there to really care for those cemeteries and maintain the properties. Also some of the organizations such as Kapa'a Hongwani that helps us take care of the cemetery going down to Keapana, organizations like that. Some hula troops that take care of certain cemeteries around there. So we rely heavily on them. That is not to say that we do not participate in their maintenance. We provide them when asked upon various herbicides if they should need it, small tools if they need it. We fund those things basically out of the Park Maintenance Budget or Adopt-A-Park Budget. Also sometimes when the jobs may be too big for the organizations to handle, we do back and we send our beautification crew to cut trees or push back bushes, cutback bushes, those large maintenance things that we are glad to help out the organizations. They do serve a big benefit for us in continuing to do that. We also, any time of illegal dumping and they need some major movement of boulders to help with parking or responding to vandalisms, that is when we as a Department get involved. So we do not – the County does not provide any burial services. The family takes care of that. Place where people are to be buried we have contact persons and as you saw from the list, there some contacts that have passed on we, on our own gone to these places and said okay this would look like an appropriate spot. We use our resources at the cemeteries to have them give guidance to the families. There is a concern in the Kōloa Public Cemetery where we do not have anyone taking care of it there. It is an older cemetery and it is filling up. At some point we have to close that cemetery and a policy decision is going to need to be made. Do we provide another area for our people to have a place to bury their loved ones? There is also other cemeteries that are owned either by Churches or groups within the islands and a couple of them are at the bottom of the list for you. As an example, that we know about and we are in contact with them so

that when people say what about this cemetery, we can refer them to people to contact and bury their loved ones there.

Chair Furfaro: Lenny, the reason I put this on the agenda, what I am hoping for is that you can consider for us if there is a possibility or do we have to look at maybe increasing the beautification staffing that we have in the next budget by maybe being prepared to list out to us a schedule of these cemeteries that are County responsibility. They might get two (2) visits a year by the beautification crew, and what impact that might be for us so we can discuss it further at budget time.

Mr. L. Rapozo: We can look at that.

Chair Furfaro: That is what I am looking for. So that we could have further discussion, because now we have identified all of these particulars, and we have this responsibility here. But we would like to see some kind of schedule that at the least we are going into these areas to manicure them a bit at least twice a year.

Mr. L. Rapozo: Sometimes when the jobs get too big with mowing and other things, beautification does go in and do some of the work. But really right now with resources available, we do rely heavily on community involvement. We have been very, very fortunate as you know through your Hanamā'ulu meeting that the people take care up by Kalepa and that one (1) is private and it is gated – not private, it is gated so it takes some coordination for their clean up. That would be something.

Chair Furfaro: If you could layout some type of plan for us to look at budget time.

Mr. L. Rapozo: We do pick up the trash at most cemeteries. When you pass, you will see a Park's trash can there. We try to do as much as we are able to with the resources that we have. We are very grateful to the community for what they provide us.

Chair Furfaro: Yes, we all are.

Mr. Hooser: Mr. Rapozo, just so I am clear on the foundation and background. Are these cemeteries where the County has legal title to the property?

Mr. L. Rapozo: I am not real sure how it came over to the County. It seems like it has been in County possession for a long time.

Mr. Hooser: My question is it like a legal authority or just practiced and we are just accommodating the community? If people are burying currently, I would think that has to be managed and someone has to say whose plot is whose?

Mr. L. Rapozo: I do not have the answer for the legal authority. I cannot tell you that I have even seen deeds or EOs or something like that. But in terms of who manages it, we rely on the people who are managing it currently in the County. We do not have a list of everybody buried in each cemetery. We rely on the people that have been caring for it for all these years. As

I said, these contacts are the people that manage it and say, well you should bury here and here. In cases where we do not and I used the example of Kapa'a cemetery and in Kōloa, then that is where our guys come and we do not have a map of where. But in what it takes to bury someone, we let them make the call and say this is where you should.

Mr. Hooser:

Volunteers caretakers?

Mr. L. Rapozo: Volunteer caretakers do where we have them. But in the two (2) cemeteries that we do not have any, Kapa'a and Kōloa, we ask our veterans cemetery personnel if there is a request to put someone there, we ask them to meet the family there and stake it out to help the family. Again, we do not provide the burial services and permitting. That stuff is either done in coordination with their mortuary or on their own?

Mr. Hooser: I would imagine there are Health Department regulations will operating cemeteries and that kind of thing.

Chair Furfaro: So that would be a project as well. You can work with the County Attorney with your list, so that when we get to budget time, if there is something that we can do we have an understanding of what land is actually been conveyed to us because in Kilauea, we have the Catholic cemetery with the Church. We have some private areas conveyed pieces that were conveyed from the plantation and then we have a land owner that has a piece that you cannot egress to the site.

Mr. L. Rapozo: Yes. My great grandparents are buried in Kilauea. It is a private cemetery and our family does stuff when we have family reunions. Yes, I understand exactly what you are saying.

Chair Furfaro: As does my wife have three (3) or four (4) generations of her family buried there. But we would like to know the question that Councilmember Hooser arises, a very good one (1) about title. Maybe we can do the research.

Ms. Nakamura: I wanted to ask you a question about plots that are available. If there is still land area?

Mr. L. Rapozo: In all of our cemeteries, so far, yes. But as I as said, the one (1) certain we do have is that in Kōloa where it is filling up and we will have to make a decision.

Ms. Nakamura:

Do people pay for the use?

Mr. L. Rapozo:

No. County cemeteries, no.

Ms. Nakamura:

Is that just a informal arrangement?

Mr. L. Rapozo: I think that it is just a practice that has been done throughout the years.

Ms. Nakamura:

Oh, interesting.

Mr. L. Rapozo: I have not been able to find a lot of documentation. In fact the list that we provided for you, if I showed you the original list that I had, and how we did it to get to where we are today took some coordination not only with our staff but with other people.

Ms. Nakamura: Sounds like this is a really good current database now that you have.

Mr. L. Rapozo: It could be better. But it is better than what we first started out with.

Ms. Nakamura: You mentioned sixteen (16) cemeteries and then you have this other cemeteries category? What makes those...

Mr. L. Rapozo: Those are private. But some people think they are County cemeteries like the one (1) in Līhu'e right by the base yard. That is actually a private cemetery. We do not have jurisdiction over that. So people would call for burial and we say that is not a County cemetery. But we want to refer them to somebody and during that time of need not be able to give them some direction.

Ms. Nakamura: Do you think we should be charging for the use of the land, if we own the land?

Mr. L. Rapozo: No, I think we should provide this service because a lot of times people cannot afford to get burial plots at private cemeteries. This is their only option and I believe that this is something as County government should provide for our people.

Ms. Nakamura: How many plots do you think are available?

Mr. L. Rapozo: I do not have that number.

Chair Furfaro: Lenny, I see the County Attorney is here and you will from now until March 15th get some of this research by his Office would be appreciated.

Mr. L. Rapozo: I actually do have tax map keys of these places, that is how far we have gone with this.

Chair Furfaro: Terrific.

Mr. L. Rapozo: So that should be a good start.

Ms. Yukimura: Lenny, thank you for all the work in getting this information and organizing it so that we have some kind of a picture of what is going on. From what I am hearing, in some of the cemeteries they are full and it is just a matter of maintenance. All of them are still available?

Mr. L. Rapozo: Not yet. Not yet. There are some – but I think, as I mentioned, I think Kōloa would probably be the one (1)...

Ms. Yukimura: The first one (1) to become filled?

Mr. L. Rapozo: The first one (1) to be filled. Yes.

Ms. Yukimura: I see. We may need to have a bit more rationale or some kind of formal guidelines for managing them over time.

Mr. L. Rapozo: At some point, I think this County would have to take it over because the people are getting older. The next generations are not as forthcoming for caring for the cemeteries as these people currently are. So at some point, yes.

Ms. Yukimura: In terms of management, if you have a family plot, do you bury people on top of each other to use space efficiently or so that more people can have, it do you expand the capacity that way? There are management issues to the extent that – I know on the mainland, and even in the Lihu'e cemeteries is cemetery, is a beautiful open space. There a lot of things that go into the management of it and I know how full your hands are already. I guess, the beginning is to at least get the data about what we have and what people are – bless all the people who are taking care of these cemeteries. It takes devotion of time and commitment. So mahalo to all of them.

Chair Furfaro: Lenny, I too want to thank you for putting this list together. But at budget time if you can do some parallel work with the County Attorney, when it comes up as a Parks agenda, we would like to have further discussion. Thank you very much. On the next item, I do want to finish and have the County Attorney, who wants to make some comments on this agenda item at the bottom of page 4, could you read that item.

Mr. Watanabe: Chair, can we call for the vote to receive?

Chair Furfaro: I was just going to do that. I am just giving you instructions so he can raise up.

The motion to receive C 2013-19 for the record, was then put, and unanimously carried.

C 2013-20 Communication (12/11/2012) from Councilmember Rapozo, requesting the presence of the County Engineer, to provide an update and report regarding the recent delay in construction of the Multi-Use Path along Papaloa Road, including the circumstances causing the delay, the corrective measures taken, and the costs associated with the delay and the corrective measures undertaken to correct any deficiencies. This briefing should also include the current timeline for completion of this portion of the Multi-Use Path: Mr. Rapozo moved to receive C 2013-20 for the record, seconded by Ms. Yukimura.

Chair Furfaro: I just want to share, when I had agreed to put this on the agenda, there were pretty good questions as far as I am concerned about putting this on the agenda. After I got it on the agenda, this red flag came up from your Office and the same thing happened with the other item, where on the fireplaces, trying to comply to State Health Code. Again, another red flag goes up after it is on. But I want to give you a moment to express the County Attorney's concern with this item because you are indicating to me it is in litigation.

There being no objections, the rules were suspended.

ALFRED B. CASTILLO, County Attorney: No. Good morning, Council Chair, Councilmembers. When I went over the Council agenda and read this specific item, my understanding is that – and I considered all of the questions that were asked here and the issues that were presented and these issues are issues that are contractual in nature. It is an ongoing – it is occurring right now. This is a contractual dispute and to discuss this in open at this point in time, I am saying it should not be discussed in open. These matters should be discussed in Executive Session and I respectfully request that we take it into Executive at a later date where we can agenda the item appropriately.

Chair Furfaro: So what I am hearing from you, it is the County Attorney's recommendation, because I do want to pursue this that Mr. Rapozo had requested it. But you are telling me it should be dealt with in an Executive Session. So my initiative to that is to get a briefing from you and schedule it in the afternoon of January 4th to get a briefing.

Mr. Castillo: Well, I should not say the only concern – one (1) concern that I have regarding the request or it being changed to January 4th is I am not sure, because this is specific, it requests the attendance of the County Engineer. I am of the understanding he is out of the Country. I do not know if he is returning – he will be present on that date. Personally, we can do it on January 4th. We can do the legal briefing at that time.

Chair Furfaro: That is what I plan to do, rather with Mr. Dill in or out of the County or not. But whatever has been raised by him, that got legal counsel's attention to it, somebody must be well aware of and exercising caution. We will go to the 4th of January in the afternoon because we have a morning meeting and we will reschedule it. If you could prepare the posting for me?

Mr. Castillo: Yes, I will.

Chair Furfaro: And it we will do that for January 4th.

Mr. Castillo: I appreciate that.

Chair Furfaro: I would like to ask your consideration folks to repost this on January 4th as an Executive Session. Those of you who have appointments to go to and you need to leave for lunch, I will go ahead and allow that. But is there anyone in the audience that wants to give testimony on that item here?

There being no objections, the rules were suspended to take public testimony.

Mr. Mickens: I know it is lunchtime. I will be as quickly as I can. You have a copy of my testimony and I would like to read it for the viewing public. I think that the viewing public would be as interested in this whole Multi-Use Path as anybody. I applaud Councilmember Rapozo for continually monitoring the construction of this Multi-Use Path. Neither he nor I are opposed to Multi-Use Paths, but questioning the methodology by which this path has been pushed forward from the beginning. With all the EAs that were said to be done on the various routes that this path was to be taken, roadblocks and problems continue to surface and costly delays appear. Why was a master plan not initiated to build this path in an area that had granted rights-of-way secured and not face barrier after barrier such as Shoreline Setbacks and hardening, cultural possibilities, and all

other variables that has forced construction of 6.8 miles of finished path to take ten (10) years? And forced taxpayers to pay for \$5 million per mile for it, and with the latest revelation, with the latest proposal probably \$15,000,000.00 a mile is for me obscene. The latest Papaloa Road debacle is just another example of those planning and pushing this project without first looking at the big picture? Remember from past history of this segment of this path that October 15, 2010 the Council approved year C 2011-19 which ratified the purchase agreement to acquire property for the path along Papaloa Road. The original estimate for obtaining this twenty-three hundred (23) square foot piece of land was said to be minimal or about \$128,000.00, if I remember what you said Jay, for the land and for the facilities relocation of it. \$28,000.00 for the relocation and \$100,000 for the property. But again, Councilman Rapozo wisely did a lot of exploratory work and found out that the piece of land would cost the taxpayers \$339,762.00 for the relocation and \$100,00.00 for the purchase of the land, totaling about \$439,762.00. A far cry for minimal or the original \$128,000.00 price.

Chair Furfaro: I want to make sure that you clarify your statement. That \$128,000.00 did not come from me. That was what was presented to us.

Mr. Mickens: Yes.

Chair Furfaro: Reaffirm, that is what was presented to us?

Mr. Mickens: Who presented it to you?

Chair Furfaro: That does not matter. But you know it was presented to us. It was not just to me, it was presented to the body. You can move on with your testimony.

Mr. Mickens: Do not forget how Mel's homework on the Drug Center relocation uncovered the assessed value of the house to be moved to Hanapēpē was about \$500.00 and not the \$250,000.00 that was falsely stated. If you read the recent edition of the Garden Island, the bicycle path at Papaloa delayed by two (2) months gives more details on the problem this path has created. One (1) excellent point the article brings up is the portion of the path recently built at Safeway parking lot to provide access to Kaua'i Shopping Village to Waipouli Town Center. It was supposed to be built years and years ago.

Chair Furfaro: Glenn, you used the time and the rules do state that you have to stay on subject. I have been lenient and I explained that four (4), five (5) weeks ago. Do not go regurgitate stuff – and local guys say do not throw up the stuff that we already ate a long time ago, okay? Let us get on target here, it is Papaloa.

Mr. Mickens: Okay, I am almost finished, Jay. I believe that we used transportation enhancement funds to pay for eighty percent (80%) of the cost of that bridge for the path. So now that the path is not going there, does that mean that we have to reimburse the FEDs for that payment? Again, where is the federal oversight to see exactly how their \$100 million is being used and if it is being spent properly? Talking about Papaloa. We need proper planning and oversight before always ready, fire, aiming. We need people in supervisory positions who are qualified to be there. So again, basically Jay, I am not opposed to bike paths.

Chair Furfaro: Could have fooled me.

Mr. Mickens: Well, if they are planned. If they are planned properly. But you must admit, that for ten (10) years, we built 6.8 miles of this and you have continually seen roadblock after roadblock. The revetment wall down there falling into the ocean and everything going on. Where was the major planning of this thing when we went to an area that should have been had to build this thing properly?

Chair Furfaro: Let me answer the portion on Papaloa. I believe Mr. Rapozo has asked this to be on the agenda. We have gotten advice from the County Attorney there is potential litigation there. In fourteen (14) days we will have this reappear in an Executive Session as requested by Mr. Rapozo.

Mr. Mickens: Will it come before the public?

Chair Furfaro: I do not know. It depends on the outcome of you know...

Mr. Mickens: I mean, the decision has to be made out of Executive Session, right? You cannot make the decision there. You can discuss it but you cannot...

Chair Furfaro: No there is no decision to make. It is a briefing. A briefing on a potential and I just want to remind you also, everybody throws out the investigative powers of 3.17 and so forth, go back and read it.

Mr. Mickens: I did.

Chair Furfaro: You will find out what we need to do is initiate a Resolution that then appoints an Investigative Committee. Now that might happen after we have a briefing. But it is not an automatic. Okay? So there may not be any decision that comes out of this. It is a briefing on what potentially might be a legal challenge.

Mr. Mickens: Right.

Chair Furfaro: Or contract dispute.

Mr. Mickens: But basically you hear what I am saying. He did some investigation of this thing.

Chair Furfaro: I understand.

Mr. Mickens: And regardless of who gave you the information, he went a step forward and found out something.

Chair Furfaro: I am understanding. I did not give you any additional time. But I understand and we will pursue Mr. Rapozo's request in Executive Session. Anymore testimony on this? If not, I am going to ask members, if we receive this item right here and pending on new Executive Session posting, are you okay with that, Mr. Rapozo?

Mr. Rapozo: Mr. Chair, I guess I would ask that we defer it in event there is an opportunity to speak in open session, that we could? If we cannot that is fine we can receive it at that time. But at this point I would like to defer it until a date specific.

Mr. Rapozo moved to refer C 2013-20 to the January 4, 2013 Special Council Meeting with an Executive Session posting, seconded by Mr. Bynum, and unanimously carried.

There being no objections, the Council recessed at 12:46 p.m.

The being no objections, the meeting was called back to order at 2:12 p.m., and proceeded as follows:

C 2013-21 Communication (12/12/12) from Council Chair Furfaro, transmitting for Council approval the following representatives for the respective organizations for the Fiscal Year 2012-2013:

- Hawai'i State Association of Counties (HSAC)
 - Mel Rapozo – Representative
 - Ross Kagawa – Alternate
- National Association of Counties (NACo) Board of Director
 - Gary L. Hooser – Representative
- Western Interstate Region (WIR) Board of Director
 - Mel Rapozo – Representative

Ms. Nakamura moved to approve C 2013-21, seconded by Ms. Yukimura, and unanimously carried.

C 2013-22 Communication (12/12/12) from the Department of Public Works, requesting Council approval to purchase four (4) replacement Air Conditioning (AC) units at an estimated cost of \$6,000.00 each, for a total of \$24,000.00, which are located at the Kekaha Landfill scalehouse and employee facility. The replacement units will be funded from anticipated savings within the Solid Waste Operating Budget: Ms. Nakamura moved to approve C 2013-22, seconded by Mr. Rapozo, and unanimously carried.

LEGAL DOCUMENTS:

C 2012-385 Communication (08/28/2012) from the Civil Defense Manager, recommending Council approval of the second amendment to the five (5) year license agreement between the County of Kaua'i and Bank of Hawai'i, Trustee of the Kukuiolono Park Trust Estate, extending the County's license for the 800 MHz radio site located at Kukuiolono Park in Kalāheo, Kaua'i, Hawai'i, for emergency radio communications for the County of Kaua'i, which license fee will be paid in incremental increases of three percent (3%) each year for the five (5) year period commencing July 1, 2012.

- Second Amendment of License Agreement

Ms. Yukimura moved to approve C 2012-385, seconded by Mr. Bynum.

Chair Furfaro: Ladies, may I ask both of you to come up? First of all, I do understand that you were able to talk to various people about these

contract modifications and I personally want to thank Civil Defense as well as the County Attorney's Office for the work on this agreement. Is there anything you want to share with us?

There being no objections, the rules were suspended.

AMY I. ESAKI, First Deputy County Attorney: I did speak to Mark Ito who is the attorney for Bank of Hawai'i and I did get clarification on paragraph nineteen (19) which is in the condemnation of the property. He did indicate that should the County condemn the property – the license agreement would go away.

Chair Furfaro: Any further questions? If not, thank you very much. Anyone in the audience that wishes to speak on this item?

There being no objections, the meeting was called back to order, and proceeded as follows:

The motion to approve C 2012-385 was then put, and unanimously carried.

CLAIMS:

C 2013-23 Communication (12/05/2012) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by State Farm Insurance Company, as a subrogee of Ann Kennedy for property damage to their vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i: Mr. Rapozo moved to refer C 2013-23 to the County Attorney's Office for disposition and/or report back to the Council, seconded by Ms. Yukimura, and unanimously carried.

C 2013-24 Communication (12/06/2012) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by Stuart Spielman for property damage and for services rendered, pursuant to Section 23.06, Charter of the County of Kaua'i: Mr. Rapozo moved to refer C 2013-24 to the County Attorney's Office for disposition and/or report back to the Council, seconded by Ms. Yukimura, and unanimously carried.

COMMITTEE REPORTS:

PUBLIC WORKS / PARKS & RECREATION COMMITTEE:

A report (No. CR-PWPR 2013-01) submitted by the Public Works / Parks & Recreation Committee, recommending that the following be received for the record.

"PWPR 2013-01 Communication (08/28/2012) from the Council Chair, requesting the presence of the County Engineer and the Director of Parks & Recreation, to provide an update on the status of the leaking roof, floor damage, and building maintenance, along with an update on the progress being made with the consultant procured to assist in the evaluation of the issues dealing with Kilauea Gym,"

Mr. Rapozo moved for approval of the report, seconded by Mr. Bynum.

There being no objections, the rules were suspended.

Mr. Mickens: You have a copy of my testimony and I know this has been approved in Committee but hopefully you will take another view of it. Before you Councilmembers receive this item, it is way pass time that you get answers to the many good questions that have been asked by you and the public. Remember that this is an eighteen (18) year old issue that has never been fully addressed and it should not matter if you were a Board from the beginning or not – it must be taken care of. You have given this Administration more than enough time to respond to your questions but continue to get none answers. If our Administration Heads cannot give answers, why than not get our CEO – the Mayor here to address your questions. Remember that he was the Head of Parks and Recreation before Lenny got the job. Also, under our Charter under Section 3.17 it states, “the Council or any authorized Committee thereof shall have the power to conduct investigations of the operation of any agency of function of the County or any subject upon which the Council may legislate.” It would appear that this problem is a classic example that fits Section 3.17 and the Council would be wise to take action upon it. Here is some relative simple questions that were asked at the last Committee Meeting but never really answered...

Chair Furfaro: Glenn, you do realize that the action we took was to have this come back to Mr. Kagawa's Committee on March 20th?

Mr. Mickens: Yes.

Chair Furfaro: Do not think that there are not further discussions and questions.

Mr. Mickens: Okay.

Chair Furfaro: It is coming back at Mr. Kagawa's Committee on March 20th.

Mr. Mickens: Okay. And hopefully Ross can maybe address some of these questions and bring them back at that time. One (1), since our Buildings Division has been in charged with this leaky roof problem from the beginning, and since our Parks and Recreation Department has never been involved with it, why has this problem been given to them? Two (2), why were any of our good roofing contractors were never contacted by this problem? I think Gary brought that up. Three (3), why should we pay a hundred and twenty thousand dollars plus to a consultant to tell a competent roofing contractor how to install a roof that will not leak. Four (4), where has the oversight has been to see why we have been making the same mistake for eighteen (18) years and getting the same result? Five (5), why has no one in authority ever required or obtaining a long-term bond guaranteeing both workmanship and materials against leak? I am sure most roofs have a thirty (30) or forty (40) year guarantee on them but not the workmanship. It does seem prudent that they would have... I think practically anything that you do for a government or contractor has to get a (inaudible) bond or something to do it but you pointed out before, Jay, I think after Iniki, the bond expired after a year. I am sure we can get a long-term bond. Six (6), why was the leaky door problem not solved a long time ago by our in-house people? I know, I have done a few things down there and help them build tables and stuff in that Department... we have some good carpenters and guys down there... this is a very simple problem. It just seems incomparable that this things goes on and on and they are talking about the floor warping and the water coming... that door is not even used as you pointed out. It is an emergency door, you come in from the other

side. The few times anybody is comes in and out of that door, there is no way they should allow that thing to leak. These are not questions that need months or years to answer but should be immediately answered. Ross, I will appreciate you putting these questions on the thing so whoever is in this seat, comes up with answers. I do not think they need another three (3) months or five (5) months to be able to come back here and come back with the same thing. Thank you, Jay.

Chair Furfaro: And the door on the Kona side is not an emergency exit if you have seen it, Glenn. It is actually a showcase door. So, if you ever use the gym for an exhibit – you want to bring in a small car, you want to bring in a golf exhibit... that is what that door is for. It is rather large for the purpose of being an exhibit door.

Mr. Mickens: (Inaudible)

Chair Furfaro: How long?

Mr. Mickens: How long would you say used in the year?

Chair Furfaro: I do not ever remember there being an exhibit in the gym that they door would be required.

Mr. Mickens: Okay. Mel or somebody pointed out... when you can see light through that door – water is going to get in there right? So, it did not take a space scientist to figure out to seal it or like what Ken said put a little shed roof over the top of it.

KEN TAYLOR: On Monday, I sent each of you a letter to the Editor that was from Bill Troutman and it was under the subject “in case you missed this.” I received from one (1) of you a note saying that Bill had been helping me with this evaluation of the issue...

Chair Furfaro: That was me... you can say it was me.

Mr. Taylor: I am sorry?

Chair Furfaro: You can say it was me. I responded to your E-mail and I have been working with Bill with his expertise as a carpenter.

Mr. Taylor: In my response to Jay, I said, “in all due respect if Bill is helping you, I would not have known it by the questions or lack of at the last meeting on this issue.” You may remember two (2) meetings ago, I brought up Bill’s issue but did not know his name. At that time you told me that you knew him and gave his name. If Bill is right or wrong, we know the doors are a problem. Why are we set on this issue for six (6) to eight (8) months? The big question is, why are we moving ahead on spending a hundred and twenty thousand (\$120,000.00) for a consultant to look at a leaky roof when it may very well be something else? I ask at the last meeting before hiring a consultant fix the known problems that may take care of the whole problem. Where the heck is the so-called checks and balances? It is time to get the County CEO – the Mayor in this seat to tell “you” the Council and the public why after six (6) years – two (2) years as Park Director and four (4) years as Mayor, why he has or we still have a problem? Why we may spend a hundred and twenty thousand (120,000) to fix a twenty thousand dollars (\$20,000.00) problem? As you have said, you no longer have control over the

hundred and twenty thousand dollars (\$120,000.00) but you do have control over the next year's budget. It is time to rattle the cost cutting saver. That is your power – use it, please.

Chair Furfaro:

Thank you, Ken.

Mr. Taylor: Just one (1) more thing... I sent this in response to the first comment that I got from Jay and I am sincere about what I am saying. The thing that really troubles me is the response that I got back after that... it was that, "no need to respond, this is just for your information only." And I am saying, "wait a minute, we are talking about a hundred and twenty thousand dollars (\$120,000.00) of taxpayer's money that may not necessarily need to be spent. I do not think you just... after I already responded to sent me a note saying "you do not need to respond to this."

Chair Furfaro: Let me answer that. You obviously devolves that I have been visiting the gym with Bill Troutman who is a good friend, he is a professional carpenter. We roared together at Lions on the North Shore. He actively participants in our K-PAL Program – our basketball group and so forth and to some degree, I do not agree with everything that Bill has to say. Do you understand? I do not agree with everything that Bill has to say but you responded saying... here is this commentary from Mr. Troutman and I responded to you saying that, "yes, I have been working with him and so forth." And then you wanted all these immediate answers and I said, "I am sharing with you, he is giving information to the media through the Garden Island," and I am trying to tell you that I am connected with him enough to know what he considers the problem to be. And you wanted to continue dialogue and I said "no." The dialogue is continued here at the table, so no need to respond anymore. I disclosed to you, my relationship in my own community with somebody who I respect their opinion on but I do not agree totally because I do think it is possible there is some moisture trapped between the two (2) roofs. There are differences there that I was not prepared to go into any detail with but I did politely respond to you telling you that I knew this individual. Secondly, I did not feel that I wanted begin more answer more questions knowing that we are going to have an Engineering and Architectural Group look at the roof, end of story. I do not have anything more to share with you.

Mr. Taylor: I understand that and I appreciate it now... I just want to say that if Bill is right or wrong, we know that the doors are leaking and that problem should have been fixed early, early on. And we are still apparently waiting to solve that problem until we get a report from the consultant and I do not think that is correct.

Chair Furfaro: In all fairness here, the issue about the door was brought up at this table by me – two (2) meetings ago. By me, not by Bill... I also expressed that is on the koolau side of the building where we get all of our windward activity and that I thought a sealing and to extend the eve was a solution. The Administration disagreed with me. Mr. Doug Haigh disagreed with me. I think also in government, we agree to disagree. I still feel exactly where you are at but they have the money to do this. They disagreed with me. We are moving on and this will be on the agenda in Mr. Kagawa's Committee on March 20th. I did respond to the first time, the second time if you thought I was being rude, I apologize but I do not think I was. It was not intended to be that way.

Mr. Taylor: Thank you.

Chair Furfaro: Anymore testimony?

There being no one else to testify, the meeting was called back to order, and proceeded as follows:

Ms. Yukimura: I was troubled when I saw Mr. Troutman's letter. I did assume that the Administration has absolutely verified that the wetness of the floor is not coming from the doors but it is coming from the roof. I did informally at our song festival ask them to make sure that that was verified. So, I agree and I do agree too that it feels like the doors should have been fixed a while back – that it is no rocket science. Hopefully, they may even do that or that the consultants real quick not more than half an hour response to us will be how to fix doors and we can do that right away – I hope so.

Chair Furfaro: But the consultant is for the whole piece and what I am saying is I disagree with Mr. Haigh's position. I have a tendency like I did two (2) meetings ago to agree with a "fix the door" but we cannot direct them to do it.

Ms. Yukimura: Yes, we cannot.

Chair Furfaro: That is the way it works. I do have pictures of that area.

Mr. Kagawa: I want to reiterate what you just said. In our Committee Meeting that Mr. Hooser suggested... let us just give the money to the community. We had Mr. Rapozo saying let us tear down a roof... who puts two (2) roofs up... normally you would just have one (1) roof, you would just fix that one (1) roof. We had a lot of great suggestion and the response we got from Lenny was, "thank you for your suggestions but we are going in this direction." That is what Chair Furfaro is saying, our hands are tied and at some point no matter how frustrated we are, no matter how right we think we are, it is their job to make that final call. It is where we are stuck. Thank you.

Chair Furfaro: Believe me, on March 20th we would like to get an update but we are going to hold them accountable for what they are planning.

The motion to approve CR-PWPR 2013-01 was then put, and unanimously carried.

FINANCE & ECONOMIC DEVELOPMENT (TOURISM / VISITOR INDUSTRY / SMALL BUSINESS DEVELOPMENT / SPORTS & RECREATION DEVELOPMENT / OTHER ECONOMIC DEVELOPMENT AREAS) COMMITTEE:

A report (No. CR-FED 2013-01) submitted by the Finance & Economic Development (Tourism / Visitor Industry / Small Business Development / Sports & Recreation Development / Other Economic Development Areas) Committee, recommending that the following be received for the record:

"Bill No. 2444 A BILL FOR AN ORDINANCE AMENDING SECTION 5A-6.3, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX (*Cost Control Commission Recommendation - Minimum Real Property Tax*),"

Mr. Bynum moved for approval of the report, seconded by Ms. Yukimura, and unanimously carried.

COMMITTEE OF THE WHOLE:

A report (CR-COW 2013-01) submitted by the Committee of the Whole, recommending that the following be approved on second and final reading:

"Bill No. 2454 AN ORDINANCE AMENDING ORDINANCE NO. B-2012-737, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2012 THROUGH JUNE 30, 2013, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND-CIP (FEMA Reimbursement),"

Mr. Rapozo moved for approval of the report, seconded by Ms. Nakamura, and unanimously carried. (*See later for Bill No. 2454.*)

A report (CR-COW 2013-02) submitted by the Committee of the Whole, recommending that the following be approved on second and final reading:

"Bill No. 2455 AN ORDINANCE AMENDING ORDINANCE NO. B-2012-736, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2012 THROUGH JUNE 30, 2013, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (FEMA Reimbursement),"

Mr. Rapozo moved for approval of the report, seconded by Ms. Nakamura, and unanimously carried. (*See later for Bill No. 2455*)

A report (CR-COW 2013-03) submitted by the Committee of the Whole, recommending that the following be received for the record:

"Bill No. 2456 AN ORDINANCE AMENDING ORDINANCE NO. B-2012-736, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2012 THROUGH JUNE 30, 2013, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (\$31,000.00 Teen Court Grant),"

Mr. Rapozo moved for approval of the report, seconded by Ms. Nakamura, and unanimously carried.

RESOLUTIONS:

Resolution No. 2012-61, RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE FIRE COMMISSION (*Harold Daniel Brown*):

Ms. Nakamura moved to adopt Resolution No. 2012-61, seconded by Ms. Yukimura, and carried by the following vote:

FOR ADOPTION:	Bynum, Hooser, Kagawa, Nakamura, Rapozo, Yukimura, Furfaro	TOTAL – 7,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Resolution No. 2013-04, RESOLUTION REPEALING ITEM EIGHTY (80), SECTION IV, OF RESOLUTION NO. 54-91, RELATING TO THE TWENTY-FIVE MILES PER HOUR (25 MPH) SPEED LIMIT ON PU’U KA’A STREET, AND ITEM ONE (1), SECTION V, OF RESOLUTION NO. 54-91, RELATING TO THE TWENTY MILES PER HOUR (20 MPH) SPEED LIMIT ON ANI STREET, AND ESTABLISHING A NEW MAXIMUM SPEED LIMIT OF TWENTY MILES PER HOUR (20 MPH) ALONG THE ENTIRE LENGTH OF PU’U KA’A STREET AND A PORTION OF ANI STREET, KAWAIHAU DISTRICT, COUNTY OF KAUA’I, STATE OF HAWAII: Ms. Yukimura moved to adopt Resolution No. 2013-04, seconded by Ms. Yukimura.

There being no objections, the rules were suspended.

Mr. Mickens: I am all for safety but twenty (20) miles an hour, you are starting to... these speed limits going down to twenty (20) miles an hour, nobody drives twenty (20) miles an hour. You see it there by Kapa’a Middle School, fifteen (15) miles an hour saying, “when school is in session, when children are present,” what is that supposed to mean “children are present?” Does that mean you usually have to see them or when they are in their classroom? But the point is – nobody drives fifteen (15) miles an hour. A human being – a fast runner can run fourteen point nine (14.9) miles an hour or something like that. I think these speed limits have to be realistic because we do not have enough police to enforce it.

Chair Furfaro: Any further comments?

There being no objections, the meeting was called back to order, and proceeded as follows:

The motion to adopt Resolution No. 2013-04 was then put, and carried by the following vote:

FOR ADOPTION:	Bynum, Hooser, Kagawa, Nakamura, Rapozo, Yukimura, Furfaro	TOTAL – 7,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Resolution No. 2013-05, RESOLUTION ESTABLISHING SPEED LIMITS ALONG LAULOA PLACE, MELI PLACE, KEI PLACE AND ALONG PORTIONS OF ANI STREET, PU’U KA’A SUBDIVISION, KAWAIHAU DISTRICT, COUNTY OF KAUA’I: Ms. Nakamura moved to adopt Resolution No. 2013-05, seconded by Ms. Yukimura, and carried by the following vote:

FOR ADOPTION:	Bynum, Hooser, Kagawa, Nakamura, Rapozo, Yukimura, Furfaro	TOTAL – 7,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Resolution No. 2013-06, RESOLUTION REPEALING ITEM TWENTY-THREE (23), SECTION XIII, OF RESOLUTION NO. 54-91, RELATING TO THE MAXIMUM SPEED LIMIT OF TWENTY-FIVE MILES PER HOUR (25 MPH) ON LAWA'I ROAD, AND ESTABLISHING NEW MAXIMUM SPEED LIMITS OF FIFTEEN MILES PER HOUR (15 MPH) AND TWENTY-FIVE MILES PER HOUR (25 MPH) ALONG PORTIONS OF LAWA'I ROAD, KŌLOA DISTRICT: Ms. Yukimura moved to adopt Resolution No. 2013-06, seconded by Mr. Bynum.

Chair Furfaro: This is a piece that I have been working on for almost a year and the area that goes down to fifteen (15) miles an hour... now that we know that a man can run fourteen point six (14.6) miles an hour... is that what you said? That is the bike path speed, I guess... but this is the area that when you come up out of the water and you go between cars, you get to the road immediately and across the road there is parking again... it is twenty-five (25) when you approach that area and fifteen (15) again. It is a safety issue.

The motion to adopt Resolution No. 2013-06 was then put, and carried by the following vote:

FOR ADOPTION:	Bynum, Hooser, Kagawa, Nakamura, Rapozo, Yukimura, Furfaro	TOTAL – 7,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Resolution No. 2013-07, RESOLUTION ESTABLISHING NO-PARKING AT ANY TIME ALONG A PORTION OF PO'IPU ROAD IN THE VICINITY OF THE DRIVEWAY ENTRANCE TO THE KIAHUNA PLANTATION RESORT, MARRIOTT'S WAI OHAI BEACH CLUB, AND KO'A KEA HOTEL, KŌLOA DISTRICT: Ms. Nakamura moved to adopt Resolution No. 2013-07, seconded by Ms. Yukimura.

Mr. Rapozo: This is again... I have similar concerns as with the other Po'ipū that is I guess deferred right now and I am not sure when...

Chair Furfaro: The other one is coming back in January.

Mr. Rapozo: I am going to ask that this one be deferred on the same date. I do want to ask that the Police Department as well look at this. I am not sure how they come up with a two hundred (200) foot area. I am not sure the investigation or the study that the Engineer has done but I want these No-Parking zones to be... for lack of a better word – science based. That it was looked at by the Police Department and do we need two hundred (200) feet of No-Parking area? What is the safe distance? Like I explained at the last meeting, right now it is ten (10) feet. Ten (10) feet may not be appropriate, maybe it needs to be twenty (20) or twenty-five (25) feet but what I do not want to see... and this is what I was afraid of is that once we start allowing No-Parking zones in front of Hotels and Resorts taking away public parking area, that we are going to get more and more of

these request. Whether it is for beautification or keep local cars off the shoulders, that still is a County parcel. I guess what I would ask is that we defer this and have Kaua'i Police Department again do a study and I was assured that they would be working with State Engineers as far as what is that safe distance for that area? It may not be two hundred (200) feet and it maybe three hundred (300) feet, I am not sure. Whatever it is, I think we need to get a structure or system in place so it is not an arbitrary number. That is all I am asking.

Ms. Yukimura: I was going to vote for this just in terms for public safety but I think Councilmember Rapozo makes a good point in terms of needing some standard, rationale based system because we are going to have more request like this. I also want to say in my mind it solves only a portion of the problem – if at all. That I really think it is more of a transportation problem and that we really need to look at the source of the parked cars and whether there might be some other solutions for this i.e., some ways in getting to and around Po'ipū and Kōloa without a car for whom that would work. There has been some talk about building a whole new parking lot and I have heard things like private parking lot or municipal parking lot that would take a lot of investments. We should look at alternatives in that case. I do intend and have already initiated some discussion with both Public Works and Kōloa-Po'ipū Association to see how we might look at that issue as well.

Chair Furfaro: I would entertain if those that made the original motion would withdraw that and taking a new motion that would defer this to a date specific.

Ms. Yukimura: I think we can just make a motion to defer on top of the motion to approve.

Mr. Rapozo: I do want to make a request before we make that motion to defer.

Chair Furfaro: And you may have a request that has a specific date in there?

Mr. Rapozo: I guess the request would be to Kaua'i Police Department, especially to Lieutenant Jon Takamura, he is in charge of the Traffic Unit that would be doing the analysis of the intersection. He has assured me that he would be working with State and County – Highway Engineers and they do have a new piece of equipment that they are using to do the measurements and so forth. Their main concern is sight view plain. I would ask that we... I cannot tell you date specific because I do not know how long it will take but if we can defer this pending the report back from KPD. Typically, I do not like doing that because it could sit in the books forever but if we can ask KPD for a report back in thirty (30) days.

Chair Furfaro: How do we dispose the motion to approve?

Ms. Yukimura: This motion to defer would just be a higher precedence, so we could just make that motion.

Chair Furfaro: That is true.

Upon motion duly made by Ms. Yukimura, seconded by Mr. Rapozo, and unanimously carried, Resolution No. 2013-07 was deferred pending a report back from the Kaua'i Police Department.

Chair Furfaro: Before I turn the meeting over to Vice Chair Nakamura... before I depart, I want to ask you, I think we have everything in order regarding the "No Fishing" signs at Lydgate. Secondly, I want to say to all of you, a very Merry Christmas and a Happy New Year because I am going have babysit my grandson tomorrow. It is first day out of pre-school and I have that assignment but I wish you a very Happy New Year and a Merry Christmas, as well as the staff. I want to say that you folks do outstanding work and we are very pleased to have you here.

Chair Furfaro, the presiding officer, relinquished Chairmanship to Ms. Nakamura.

Chair Furfaro was noted excused from the Council Meeting.

Resolution No. 2013-08, RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE BOARD OF WATER SUPPLY (*Sherman Tsuyoshi Shiraishi*): Ms. Yukimura moved to adopt Resolution No. 2013-08, seconded by Mr. Rapozo, and carried by the following vote:

FOR ADOPTION:	Bynum, Hooser, Kagawa, Nakamura, Rapozo, Yukimura	TOTAL - 6,
AGAINST ADOPTION:	None	TOTAL - 0,
EXCUSED & NOT VOTING:	Furfaro	TOTAL - 1,
RECUSED & NOT VOTING:	None	TOTAL - 0.

Resolution No. 2013-09, RESOLUTION ESTABLISHING CROSSWALKS ON UMI STREET, LIHU'E DISTRICT, COUNTY OF KAUAI: Mr. Bynum moved to adopt Resolution No. 2013-09, seconded by Ms. Yukimura, and carried by the following vote:

FOR ADOPTION:	Bynum, Hooser, Kagawa, Nakamura, Rapozo, Yukimura	TOTAL - 6,
AGAINST ADOPTION:	None	TOTAL - 0,
EXCUSED & NOT VOTING:	Furfaro	TOTAL - 1,
RECUSED & NOT VOTING:	None	TOTAL - 0.

Resolution No. 2013-10, RESOLUTION AMENDING RESOLUTION NO. 2013-03, RELATING TO THE APPOINTMENT OF THE CHAIRPERSONS, VICE CHAIRPERSONS, AND MEMBERS OF THE SEVERAL STANDING COMMITTEES OF THE COUNCIL OF THE COUNTY OF KAUAI: Mr. Bynum moved to adopt Resolution No. 2013-10, seconded by Mr. Rapozo, and carried by the following vote:

FOR ADOPTION:	Bynum, Hooser, Kagawa, Nakamura, Rapozo, Yukimura	TOTAL - 6,
AGAINST ADOPTION:	None	TOTAL - 0,
EXCUSED & NOT VOTING:	Furfaro	TOTAL - 1,
RECUSED & NOT VOTING:	None	TOTAL - 0.

BILLS FOR FIRST READING:

Proposed Draft Bill (No. 2439) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE COUNTY OF KAUAI PLANNING DEPARTMENT CIVIL FINES: Ms. Yukimura moved for passage of Proposed Draft Bill No. 2439 on first reading, that it be ordered to print, that a public hearing thereon be scheduled for January 17, 2013, and that it thereafter be referred to the Planning Committee, seconded by Mr. Rapozo, and carried by the following vote:

FOR PASSAGE:	Bynum, Hooser, Kagawa, Nakamura, Rapozo, Yukimura	TOTAL – 6,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Furfaro	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Proposed Draft Bill (No. 2460) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 12, OF THE KAUAI COUNTY CODE 1987, AS AMENDED, ENTITLED “BUILDING CODE”: Ms. Yukimura moved for passage of Proposed Draft Bill No. 2460 on first reading, that it be ordered to print, that a public hearing thereon be scheduled for January 17, 2013, and that it thereafter be referred to the Public Works / Parks & Recreation Committee, seconded by Mr. Rapozo.

Ms. Nakamura: Any discussion?

Mr. Hooser: Just for the record, I want to know that this Proposed Draft Bill applies significantly to agricultural interest too so I will be actively working with the Committee’s that it is being referred to as well. Thank you.

The motion for passage of Proposed Draft Bill No. 2460 was then put, and carried by the following vote:

FOR PASSAGE:	Bynum, Hooser, Kagawa, Nakamura, Rapozo, Yukimura	TOTAL – 6,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Furfaro	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Proposed Draft Bill (No. 2461) – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE COMPREHENSIVE ZONING ORDINANCE (*Amendments to the Shoreline Setback Ordinance*): Ms. Yukimura moved for passage of Proposed Draft Bill No. 2461 on first reading, that it be ordered to print, that a public hearing thereon be scheduled for January 17, 2013, and that it thereafter be referred to the Planning Committee, seconded by Mr. Rapozo.

Ms. Nakamura: Would anyone from the public like to testify on this matter?

There being no objections, the rules were suspended.

KAREN DIAMOND: Thank you. I support the Coastal Erosion Study and implementing it into the language of the County Ordinance. I am not

exactly sure that the Bill before you really does that. I wanted to come before you today to tell you some of the problems that I have and I hope you will look at to see for amendments later on. As I read the Bill – its purpose was really worrisome to me and it basically puts words in this Council's mouth and says that the Council has... once to know when a certify shoreline is required for setback ordinance. Our certify shorelines are required as part of State law, it is not an option for the County to do and hold setback regulatory... it will hinder where that shoreline is. So if the State does not set the certify shoreline than that survey shoreline setback is just an arbitrary line that has no basis in law and the County really does not have the correct (inaudible) citing structures. I would hope that you would look at that part of it. Second part of it really says that it finds that this Council feels that they need one (1) standard setback. I think that is total opposite of what that coastal erosion rates and what the Coastal Erosion Bill is supposed to do which was scientifically set your setbacks by the erosion rate. I hope you will look at the purpose and the original purpose in eight, sixty-three (863) was really good. Secondly, the applicability section is really troublesome in multiple ways. One (1) is relating to the shoreline certification that allows the Director to decide when the setback is outside the area and the only real way to do that is with the certify shoreline. And instead they are doing it with just a regular survey and I want to say that it is problematic and that I do not know that the State has ever in recent years accepted just a survey from a surveyor that has always done for the landowner and not moved it. So, if you just have a surveyor who works only for the private landowner setting that shoreline, it is not even a shoreline – it is an arbitrary survey and not a shoreline which if you look in the definition it goes back to what that certify shoreline is at the highest wash of the waves.

Also in the applicability section if you look at the third bullet point, it allows the County to actually think about bike path when you read that because none of that will ever come before this Council again. It will all be allowed – those kind of regulations will not apply to the bike path and there are quite a bit.

Ms. Nakamura: Karen, that is your first three (3) minutes, you have an additional three (3) minutes.

Ms. Diamond: Thank you. There are quite a bit in this Bill that actually will not be applicable and I hope you can ask Planning actually how many lots will be applicable to this ordinance. As I read it, it is really good for subdivisions but I do not see that it is good for anything else. I am not quite sure if that was really the intention on the Bills. One (1) of the other major problems is landscaping, which I do support it being forty (40) feet back from the shoreline. It should be back from the certified shoreline but in the definition of landscaping, it has existing... everything existing is allowed. So, you are allowed to do repair and maintenance – it basically grandfathers in every illegal vegetation that has been planted on the beach. I do not think that was the intention or I hope that it was not. So hopefully you will look at that. Also, the coral reefs are dying and one (1) of the reasons that our coral reefs are dying is because of the land based pollutants that are directly hitting the coral reefs. That goes for having fertilizer which is used to establish the plants that occur on the beach as well as the plants themselves. So I hope you look at landscaping section. Also septic situations and things like that in the setback area need to be looked at. The recommendations from the Sea Grant people, I am not quite certain they were implemented the way they had written them, especially the repairs section. I really support the repairs section being changed to what they suggested. I will leave it at that for today. Except for when it was changed to a hundred (100) year multiplier rather than a seventy (70) year

multiplier and of course that makes the setback further. But it also makes more properties fall out of getting erosion based setbacks so that less properties fall into that and fall into the minimum setback. This Ordinance as its written before you, allows patriots to properties to go down to a twenty (20) foot setback, which is where we started from.

Ms. Nakamura:

Questions for Karen?

Mr. Bynum: Just about that last point that you made. We had seventy (70) years and then for certain lots if it does not work because of Supreme Court decisions we have to give some buildable footprint, right? That is what you are referring to?

Ms. Diamond: No, I was referring to – they changed the seventy (70) years to the one hundred (100) years. So more properties will...the setback will be too large and they will not be able to accommodate erosion base setback and they will fall into the minimals.

Mr. Bynum: So you think there are circumstances that changing that to one hundred (100) will result in a decrease in the setback? Then if we would have applied the seventy (70)?

Ms. Diamond:

It could, yes.

Mr. Bynum:

That is important to look at.

Ms. Yukimura:
section?

Did you say you supported the repairs

Ms. Diamond: No, I support the repairs section as the Sea Grant people rewrote it. In their comments, they put in a bunch of recommendations that were not included in the Bill.

Mr. Rapozo: Thank you, Karen for meeting with me the other day and going over the Bill. I would agree with you and I will be prepare something amendments. I think you bring up some very important points about the septic systems. The repairs, those were recommended by UH Sea Grant and what I did not see is any responses or comments from DLNR or any of the other State Agencies. I think we got from the State Office of Planning, but none from the DLNR which was interesting. Your point on the irrigation or the landscaping, I think that is something that we have to look at, and that is something that we probably need and I will get with Peter Morimoto later because a couple of issues that I am concerned with is how jurisdiction does this County have or how much authority does this County have to basically violate State Law, whether it relates to setbacks or artificially...

Ms. Diamond:

You know the answer to that?

Mr. Rapozo: I know the answer. But we need to get that, because I do not think you can mess with the shoreline. I do not think you can take a surveyor's shoreline and have the Planning Director saying we will use that as the certified shoreline because I think the H.R.S. clearly defines what a shoreline setback is. I think – if you have been following the last few meetings, there are many concerns about the certified shoreline and we all know it is good for a year.

The biggest problem that I have with this one (1), Karen, is the fact that the County is exempt from the shoreline setback. Which again I am having a very difficult time. So we will be working with you going forward and with our staff to prepare some amendments because I cannot support it as it is. But I do want to invite and solicit your opinions because you were part of that first group that did the initial Bill years ago which really was the strongest Bill, I think the State has ever seen.

Ms. Diamond:

Thank you, I would appreciate that.

Ms. Nakamura: Any other questions for Karen? So the public hearing is scheduled for January 17th and I am sure we will see you there. Anyone else who would like to testify?

There being no objections, the meeting was called back to order and proceeded as follows:

The motion for passage of Proposed Draft Bill No. 2461 was then put, and carried by the following vote:

FOR PASSAGE:	Bynum, Hooser, Kagawa, Nakamura, Rapozo, Yukimura	TOTAL - 6,
AGAINST PASSAGE:	None	TOTAL - 0,
EXCUSED & NOT VOTING:	Furfaro	TOTAL - 1,
RECUSED & NOT VOTING:	None	TOTAL - 0.

BILLS FOR SECOND READING:

Bill No. 2452 - AN ORDINANCE ADDING A NEW SECTION TO ARTICLE 1, CHAPTER 19 OF THE KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO PARKS AND RECREATION (Prohibiting Fishing at Lydgate Beach Park Pond): Mr. Bynum move to adopt Bill No. 2452 on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Ms. Yukimura.

Ms. Nakamura:

Discussion?

Mr. Rapozo: Thank you. Today I am receipt of this letter from OHA and I am sure everybody got it. It is dated December 18th. So they sent it out looks like they sent it out yesterday via E-mail. I think they raised some questions and the one (1) that stuck out to me is a question that I had actually brought up a couple of weeks ago. Whether or not we even had the authority as a County to regulate what goes on in that pond. Of course I was quickly told that no, that was executive ordered to us. I have no dispute about the executive order. But even the private landowner of let us say a river stream bed, they do not have the authority or the ownership of the water. They have the land, but they do not control the water. That was the basis of my question and I am reading this today and I see it is a concern of OHA as well. There is some other questions that they raised. There are three (3) other questions that I am sure you folks all saw. I am not prepared to vote on this today because I have further questions for OHA and as well as our County Attorney's Office and maybe the Attorney General's Office as it relates to our authorities in regulating activities in the pond itself. I hate deferrals, but I am just not prepared to vote on this today. Thank you.

Ms. Nakamura:

Any further comments?

Mr. Bynum: Just a question, because this has been deferred a couple of times already. I thought we pretty much had answers to these questions. But I cannot recall offhand reading about it. That is all. I thought we had those questions answered about particularly about the authority or not.

Ms. Nakamura: I think everyone just got this December 18th letter from OHA, and they are just raising something issues that this would like the County Council to consider. Any further comments from Councilmembers? Would anyone in the audience like to testify? Do you want to have the County Attorney answer any questions at this time?

Mr. Kagawa: Well, based on this letter and I came in after Public Works Committee approved it, recommended approval. So I am sorry for coming in after the fact. But I just have this one (1) question, I guess, that if the County Attorney can state whether the proposed regulations are legal or not?

There being no objections, the rules were suspended.

Mr. Castillo: And relavent to Lydgate Pond, yes, we were granted a right of entry and this is what we are trying to do is legal because we do have...we were given jurisdiction over this area back in 1995. Then reiterated in 2008. There are more things going on and this does not – you are not prevented from promulgating rules in this area.

Ms. Nakamura: Councilmember Kagawa, any further questions?

Mr. Kagawa: I just wanted to say we are asked this question in the letter and that is what I wanted clear. If you say it is legal, I agree with you.

Mr. Hooser: Just to further clarify, so a County Ordinance or prohibition like this does not extinguish traditional PASH rights for Native Hawaiians? Is that correct?

Mr. Castillo: That is right. It does not interfere with those rights.

Mr. Bynum: I do not have a question.

Ms. Nakamura: No questions at this time. So would you like to say anything further?

Mr. Castillo: No, thank you.

There being no objections, the meeting was called back to order, and proceeded as follows:

Mr. Bynum: I thought we had that answered. But I hear it clarified now. With my second reading of the letter from OHA, they are raising questions that we raised last time, specifically to the extent which the resources or any Native Hawaiian traditional or customary practices will be impacted if the Bill passes? They are acknowledging in their letter they do not know the specifics of this area, in this situation. But I think the answer to that question, which is the

key question, is there is no significant impact on gathering rights. We are talking about the pond at Lydgate and not allowing people to put hooks and spears and spear fishing and shoot fish in a barrel. It is a very limited area and there is definitely traditional uses happening all along that coastline and gathering occurring. But I do not believe it is significantly impacted by taking and saying this is where our keiki swim, let us make sure it is safe. If there are fish in there, let us let them reside in there and not be an area to fish. So I am ready to vote on this today. We had a couple of deferrals and I feel like these questions are sufficiently vetted.

Mr. Rapozo: Unfortunately, I was not here when the discussion when you folks all had the discussion and Ashley was kindly – was it you Ashley that handed me this? Ashley just handed me the discussion notes, the DLNR notes and it is clear in the DLNR notes and in the executive order justification that the management and maintenance of the pond for recreational purposes with fishing prohibited was spelled out. So that satisfies my question and I apologize again I was not at that last Committee meeting.

Ms. Nakamura: Not at all. Any further discussion?

The motion to adopt Bill No. 2452 was then put, and carried by the following vote:

FOR ADOPTION:	Bynum, Hooser, Kagawa, Nakamura, Rapozo, Yukimura	TOTAL – 6,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Furfaro	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Bill No. 2444 – A BILL FOR AN ORDINANCE AMENDING SECTION 5A-6.3, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX (*Cost Control Commission Recommendation – Minimum Real Property Tax*): Mr. Bynum moved to receive Bill No. 2444f or the record, seconded by Mr. Rapozo, and carried by the following vote:

FOR RECEIPT:	Bynum, Hooser, Kagawa, Nakamura, Rapozo, Yukimura	TOTAL – 6,
AGAINST RECEIPT:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Furfaro	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Mr. Bynum: Just in case there is any question from anybody in the public, we just received the Bill. We did not pass it which means this proposal is not being considered at this time.

Bill No. 2454 – AN ORDINANCE AMENDING ORDINANCE NO. B-2012-737, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2012 THROUGH JUNE 30, 2013, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND – CIP (FEMA Reimbursement): Mr. Rapozo moved for adoption of Bill No. 2452 on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Ms. Yukimura, and carried by the following vote:

FOR ADOPTION:	Bynum, Hooser, Kagawa, Nakamura, Rapozo, Yukimura	TOTAL - 6,
AGAINST ADOPTION:	None	TOTAL - 0,
EXCUSED & NOT VOTING:	Furfaro	TOTAL - 1,
RECUSED & NOT VOTING:	None	TOTAL - 0.

Bill No. 2455 - AN ORDINANCE AMENDING ORDINANCE NO. B-2012-736, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2012 THROUGH JUNE 30, 2013, BY REVISING AMOUNTS ESTIMATED IN THE GENERAL FUND (FEMA Reimbursement): Ms. Yukimura moved for adoption of Bill No. 2452 on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Mr. Rapozo, and carried by the following vote:

FOR ADOPTION:	Bynum, Hooser, Kagawa, Nakamura, Rapozo, Yukimura	TOTAL - 6,
AGAINST ADOPTION:	None	TOTAL - 0,
EXCUSED & NOT VOTING:	Furfaro	TOTAL - 1,
RECUSED & NOT VOTING:	None	TOTAL - 0.

Bill No. 2456 - AN ORDINANCE AMENDING ORDINANCE NO. B-2012-736, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2012 THROUGH JUNE 30, 2013, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (\$31,000.00 Teen Court Grant): Ms. Yukimura moved to receive Bill No. 2452 for the record, seconded by Mr. Rapozo.

Mr. Bynum: This is a Bill that was proposed for Teen Court funding that we are receiving because we have gotten confirmation that adequate resources are available to continue Teen Court. We are also in receipt of communication this week from the Prosecuting attorney that recently met with KPD, the provider and have agreed on the parameters for referrals. So Teen Court should be back in operation soon. Thank you.

Ms. Nakamura: Thank you, Councilmember Bynum, for that background.

Mr. Kagawa: I am glad that Teen Court is going to resume. I think it serves as a good for our teens to give them alternatives and second chances. Our youngsters always need that. It is not easy being young nowadays. What I would like to do is request Hale 'Opio provide us not only with the cases that where they do not commit offenses again, the same offense, but you want to see the total, where they do not commit any offense. I think that gives a more true picture of the success. But I know it is not easy to always show great numbers. It is not what I am looking for. But I am just looking for some accountability in case at a future point that we need to add future funds. Mahalo.

The motion to receive Bill No. 2456 for the record, was then put, and carried by the following vote:

FOR RECEIPT:	Bynum, Hooser, Kagawa, Nakamura, Rapozo,	
	Yukimura	TOTAL - 6,
AGAINST RECEIPT:	None	TOTAL - 0,
EXCUSED & NOT VOTING:	Furfaro	TOTAL - 1,
RECUSED & NOT VOTING:	None	TOTAL - 0.

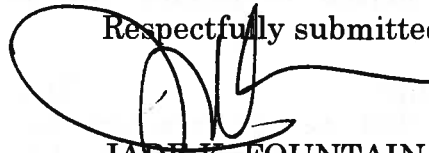
EXECUTIVE SESSION:

ES-588 Pursuant to Hawai'i Revised Statutes Sections 92-4, 92-5(a)(4) and (6), and Kaua'i County Charter Section 3.07(e), the Office of the County Attorney, on behalf of the Council, requests an executive session to allow the Council to consult with the County Attorney regarding C 2012-385, Communication (08/28/2012) from the Civil Defense Manager, recommending Council approval for the second amendment, five (5) year lease agreement between the County of Kaua'i and Bank of Hawai'i, Trustee of the Kukuilono Park Trust Estate, which extends the lease of the County's 800 MHz radio site located at Kukuilono Park in Kalāheo, Kaua'i, Hawai'i, for emergency radio communications for the County of Kaua'i, for the five (5) year period commencing July 1, 2012, and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item: Mr. Rapozo moved to receive ES-588 for the record, seconded by Mr. Bynum, and unanimously carried.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 3:14 p.m.

Respectfully submitted,



JADE K. FOUNTAIN-TANIGAWA
Deputy County Clerk

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